THE PRIVILEDGES AND PRACTICE OF PARLIAMENTS IN ENGLAND.

Collected out of the Commou Lawes of this Land.

Seene and allowed by the Learned in the Lawes.

COMMENDED

To the High Court of Parliament now Assembled.

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MVSEVM
BRITAN
NICVM

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THe most Common and best meanes for the preservation and Conservation atwell of private as publique Tranquillitie and Societie vsed in all Ages, and by all Nations, is by way of lawfull Assembly, and Consultation, which wee call *Parliament*, to looke into the necessity of publique Condition, and so to foresee seasonable remedie.

Where no Counsell is, the people fall, But where many Counsellers are, there is health, Prou. 11. and 14. *Tully* saith, *Communis vtilitatis derelictio contra naturam est.* The Saxons called this Court *Miclegemot*, the great Assemblie, and *Witenagemot*, the Assemblie of wise men; The Latine Authors of those times called it *Commune Consilium, magna curia generalis conventus*, &c. But WILLIAM the Conquerour as it seemeth changed the name of this Court, and first called it by the

the name of *Parliament*. But manifeſt it is, that the Conquerour changed not the frame or Iuriſdiction of this Court in any point; yea, the very names which are attributed to this Court before the Conqueſt are continued after the Conqueſt to this day. And where ſome doe ſuppoſe, That in the Parliament holden at *Weſtminſter* in the 3. *Ed.* 1. called *Weſtminſter* the firſt, the word *Parliament* firſt crept in where it is called the firſt generall *Parliament* by the aſſent, of the Arch. biſhops, Biſhops, Abbots, Earles, Barons, and all the Communaltie of the Land ſummoned to the ſame; yet it is manifeſt that the name of *Parliament* was long before that time, and for proofe thereof note: 21. *Ed.* 3. *fol.* 60. and in Sir *Edwards Cokes* Preface to his 9th. Booke, where it is fully proued; That the Conquerour himſelfe did hold this Parliament, and other his mediate Succeſſors. Although in the bookes of Statutes mention is not made of any Statute before *Magna Charta*, in the 9th. yeare of *Hen.* 3.

And this is not that Court, which in *France* beareth the name of *Parliament*, for they are but ordinary Courts of Juſtice; But this is that Court which both *England* and *Scotland* agreeth in naming it *Parliament*, which the *French* call, *Aſſemble de eſtates*, or *Les eſtates*. And the *Germanes*, *A Rikes Daggh*, or *Dyet*.

Of this Court it may be ſaid, *Si vetuſtatem ſpectes eſt antiquiſſima, ſi dignitatem eſt honoratiſſima, ſi juriſdictionem eſt copioſiſſima*. And as Sir *Edward Coke* obſerveth in his Preface to his 9. Booke. This great and Honorable aſſembly hath a Three-fold end; Firſt, that the Subject might be kept from offending, that is, that offences might be prevented, both by good and prouident

vident Lawes and by due execution of them. Secondly, that men might live safely in quiet; And thirdly, that all men might receive Iustice by certaine Lawes and holy Judgement. To the end that Iustice might be the better administred, That questions and defects in Law by this high Court of Parliament: be explained and brought to certainty and judgement.

Our Soveraigne King *Charles* in his late Proclamation calls it, *The Great Counsell of Vs and Our Kingdome.*

And for somuch as this *great* and *principall Court* is the Kings Court, and the Court of the Kingdome, whereof the King is supreame head and Governour. neither the Lords nor the Commons can summon it nor appoint any certaine time or place for the Assembly of the Parliament; For that onely doth appertaine to the King to doe, See the Statute 21. *Rie.* 2. *Ca.* 12. And in the Kings name onely such summons must be made as an absolute Perogatiue incident to his Crowne and Dignity. Like as divers things doe solely belong to the King, whereof the Subiect hath nothing to doe: as *fœdere Pereutere* to make leagues, or *bellum indicere*, 9. *Ed.* 4. *fol.* 6. The King onely without the Subject, may make letters of *Denisation*, to whom and how many he will. And the King by his Proclamation; may make any Coyne lawfull money of England: And many other things doe appertaine to the King as speciall flowers of his Crowne.

And if the King happen to be in any forreine part, yet the Parliament holden in this Realme in the Kings absence must be sommoned in the Kings name vnder the *Teste* of the Kings *Lieutenant*, as by the Statute 8. *Hen.* 5. *Ca.* 1. may appeare.

Bracton ſaith, Parliaments have beene holden by the Kings Lieutenant Procurator or Deputy, as in the 13. *Ed.* 2. the King conſtituted *Adomarum de Valentia Comitem Pembrociæ cuſtodem, regni ſui, & locum ſuum tenendum quamdiu Rex in partibus tranſmarinis moram fecerit.*

And the Kings of this Land have conſtituted as their Lieutenants or Deputies to ſummon the Parliament 3 or 4 in a Commiſsion as in the 24, of *Hen.* 8, at his being at *Callice* a Parliament was holden by Commiſsion as followeth:

Henricus 8 *Dei gratia Angliæ, Francia, Rex fidei defenſor: Dominus Hibernie Reverendiſſimo in Chriſto Patri Edwardo Archiepiſcopo, Eborac. Predilecto & fideli ſuo Thome Audeley Militi, duo cuſtodi Magni Sigilli, ac Chariſſimo conſanguineo ſuo Roberto Comiti Suſſex ſalutem: Cum Preſens Parliamentum noſtrum apud Civitatem noſtram London 3. die Novembris Anno regni noſtri viceſſimo primo in Choat, & vſque Weſtm. prarogat, & ibidem poſt diuerſas continuationes & Prorogationes idem Parliamentum noſtrum apud Weſtminſtr. 14, diem Novembris apud Weſtminſtr. etiam Prorogat. fuerat. Ibidem tunc tenendum nos idcirco conſiderante abſentiam noſtram a regno noſtro Angliæ apud Calice exiſtent in cauſis vrgentiſſimis nos & rem publicam regni noſtri, concernent alyſq; Conſiderationibus nos ſpecialitur moventibus ac de fidelitate, integritate, induſtria, & circumſpectione veſtris Plenu confidentes, de aduiſamento & aſſenſu conſily noſtri aſſignamus vos & duos veſtrum Dantes vobis & duobus veſtrum plenã poteſtatem, facultatem, & authoritatem, hac inſtante die lune ad & in quartum diem Februar. Prox, ſuturum vſq; Weſtm. Predictum Proragandum & continuand:*

tinuandum ibidem tunc teneudum. Et idio vobis mandamus quod circa premiſſa diligenter intendatis, ac ea informa prediƈt, effectualiter expleatis, Damus autem univerſis & ſingulis Archiepiſcopis, Epiſcop. Abib. Priorib. Duabus, Marchionib. Commitibus, Vicecommit. Baronibus, Militib. Civibus, Burgenſib, ac omnibus aliis quorum intereſt, aut intere potent in hac parte: in mandatis quod ipſi omnes, &c. Singula in premiſſis omnibus ſingulis faciendum & exequendum intendentes fuit conſulentes & obedientes prout decet. In cuius rei Teſtimonium has literas noſtras fieri fecimus Patentes, Teſte me ipſo apud Weſtm. 4. Die Novembris, anno regni noſtri viceſimo quarto.

Penals.

And a King in poſſeſsion of his Kingdome during his raigne may before his Coronation ſummon his Parliament as taking one example in a caſe ſo cleere for all : King *Hen. 6,* was not crowned vntill the 8 yeare of his raigne, and yet in his 1, 2, 3, 4, 5, and *6,* yeare of his raigne divers Parliaments were holden, (as alſo our gracious Soveraigne King *Charles.* called a Parliament *Anno,* 1. before his Coronation) And ſummoned by him *Hen. 6,* as in the Statutes may appeare : For it is cleerely reſolved by all the Iudges of England, that preſently by diſcent he is abſolutely and compleately King without any eſſentiall ceremony or act to bee done *ex poſt facto,* and that Coronation is but a royall ornament or outward ſolemnization of the diſcent , And the King is as abſolute and compleate a King both for matter of Iudicatorie as Graunts, &c. both before his Coronation as hee was after.

Alſo the King being within age, may aſwell ſummon his Parliament as if he were at full age, as by the example was ſeene in the ſaid *Hen.* 6. and *Ed.* 6. and obſerue the caſe of the Dutchie of *Lancaſter in Plowdens Commentaries*, 221. 6. Where it is agreed, that the perſon of the King is not infeebled by his nonage, for his perſon doth alwayes remaine of full age, aſwell to make guifts and graunts as in adminiſtration of Iuſtice.

And the diverſity of Sex maketh no difference as by the Statute made in the firſt yeare of Queene *Mary* holden by Prorogation *Cap.* 1. is declared.

Alſo a King being in poſſeſsion of his Kingdome whether by rightfull Title or by wrong as an *Vſurper*. He is a perſon able *Ipſo facto* to ſummon a Parliament, asby the example holden by *Hen.* 6. before and after the redemption of his Crowne being remoued therefrom by *Ed.* 4. wherein the ſaid *Edward* was in his Remitter as is to be ſeene in *Baggots* aſsiſe, in the 9. yeare of *Ed.* 4. fol. 1. 6. *& ſequentium* whereby it is ſaid, that *Hen: 6.* was King in poſſeſsion. And it was neceſſary that the Realme haue a King vnder whom the Lawes may be holden and maintained. And therefore though he was but vſurpation, yet every act Judicially done by him, which doth concerne his Juriſdiction Royall ſhall be good, and bind the rightfull King his regreſſe, and divers other Examples there are hereof. See 1 *Hen.* 7. fol. 3.

In ancient times after the King had ſummoned his Parliament to be holden at a certaine day and place, Innumerable multitudes of people did make there accesſe thereunto, pretending that priviledge of right to belong to them, and not onely to the Lords ſpiritu-

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all and Temporall but also to the Commonalty being Freeholders : But King *Hen.* 3. hauing had experience of the mischieses and inconveniences by oe casion of such popular confusion, did take order and restrayned that ouer great accesse. So that none might come to his Parliament but those who were specially summoned, which his sonne *Edw.* 1. did carefully keepe and obserue, according to that auncient saying, *Ad Consilium ne accesseris antequam voceris.* And so euer since this speciall manner of summons of Parliament now vsed hath beene put in practise. The vsuall forme of summons for the Parliament for the Commonaltie, is not speciall, but a generall Writ is directed to the Sheriffe of euery County or Shire in *England* and *Wales*, in this forme.

Rex vice. N. Salutem quia de aduisamento & assensum Consilij nostri quibusdam arduis & vrgentibus negatijs nos Statum & defensionem Regni nostri Angliæ, & Eccles. Anglicanè concernent quandam Parliamentum nostrum apud Ciuitatem nostram Westm. 17. die Martij Prox. futurum teneri ordinauimus & ibidem cum Prelatibus magnatibus & proceribus dicti Regni nostri colloquium Habere, & tractare, Tibi Precipimus firmiter iniungentes quod facta Proclamacione in Prox. com. tuo post receptionem huius brevis nostri tenendum die & loco Predicto, duos Milites, gladijs cinctis magis idoneos & discretos eum predict. &c. Et Electionem illam in pleno com. tuo facta distincte & aperte, sub Sigillo tuo & sigillis eorum qui Electioni illi inter fuerunt nobis in Cancellariam nostram ad dictum diem & locum certifices indilate, Teste meipso, &c. vide Statut. 23. H. 6. Ca. 15.

And concerning thoſe of *Wales* to be ſummoned to the Parliament, read the Statute thereof 27, *Hen.* 8, *cap.* 26, Intituled, *an act for Lawes and Iuſtice to be miniſtred in Wales*, in like forme as it is in this Realme. And alſo that other Statute made 35, *Hen.* 8, *cap.* 11. Intituled *an Act for the due payment of Fees and wages of Knights and Burgeſſes of the Parliament, in Wales.* And thereof ſee in *Plowdens Comitaries* 120, Sir *Richard Bulkleyes* Caſe and in *Dyer* 13.

And concerning thoſe of the County Palatine of *Cheſter*, and of the City of *Cheſter* in this behalfe, ſee the Statute made 34, *Hen.* 8. *cap.* 13.

In *Anno* 1, of Queene *Mary* a great doubt was moued amongſt the Iuſtices and Serjeants, If the Queenes writ of ſummons of the Parliament in which the Stile or Title of *Supremum Caput Eccleſiæ Anglicanæ* were omitted, were good and ſufficient or vtterly voide, &c. Becauſe the ſaid ſtile is vnited and annexed by the Statute made the 26, and 35, *Hen.* 8, to the Imperiall Crowne of the Realme, but the greater opinion was, ſuch ſummons is good enough, for they ſaid that *Supremum Caput* is not parcell of the Queenes name, but an addition, and the words in the Statute are onely in the affirmatiue and not negatiuely; That the Stile ſhall be of neceſsity ſo written of the Queene. And this doubt was by Queene *Elizabeth* againe moued in the firſt Parliament and was aduiſed and reſolved by great adviſe and deliberation (*vt ſupra*) ſee the Statute 1, and 2 of *Phil.* and *Ma. cap.* 8, And in Maſter *Foxes* Acts and Monuments ſo: The argument of *Iohn Hales* to the contrary, *cujuſcunque poteſſima Pars eſt Principium*, which Rule is expreſſed in Sir *Edward Cokes* 10. part 49. 1. *but ibidem fol.* 161

161. a the ancient rule is cited, *qui libet poteſt renunciare Iuris Pro ſe interducta*.

At euery County after the delivery of the Parliament writ to the Sheriffes, Proclamation ſhall be made in the full County of the day and place of the Parliament, And that all men ſhall attaine for election of the Knights for the ſame County for the Parliament, The which Knights muſt be reſident within the ſame County, whereof they are to be choſen the day of the writ of ſummons of the Parliament, whereof every one ought to have 40. S. of Free-hold within the ſaid County beyond all charges. And ſuch who haue the greateſt number of the ſaid Electors, ſhalbe returned Knights for the ſame County, ſee 7. *Hen.4, cap.* 12, 1, *Hen,6, cap.*1,8, *Hen,6, cap.*13, and 10, *Hen.6, cap.*7.

The Sheriffe may examine euery one of the ſaid Electors vpon the ſaid Evangelists how much hee may diſpend by yeare if he doubt of the value thereof, 8. *Hen. 6, cap.* 15.

The ſaid Election ſhall be made in the full County betweene the houres of 8, and 9, before noone; 23. *Hen, 6, cap.* 15.

The ſaid Knights ſhall bee retnraed into the Chancery by Indenture ſealed betweene the Sheriffe and the ſaid Electors, 8, *H.6, Cap.*7, 7. *H.4, cap.*1, 23, *H, 6, cap.* 6, *vt patet per breue ſupra*.

Every Sheriffe who doth not make a true returne of ſuch election of Knights to come to the Parliament according to the Statute in that behalfe made, that is to ſay, The Statute 8, *H.6, cap.* 7, ſhall forfeit 100 l to the King, and 100 l to the Knight ſo choſen, who ſhall Commence his action within 3. moneths after the parlia-

Parliament commenced. And if hee ſo doe not and proſecute his ſuite in effect and without fraud: Any other man who will may haue the ſaid ſuite, for the ſaid 100. as the Knight had, and coſts of ſuit alſo ſhall be awarded to the ſaid Knight or other who will ſue in his behalfe, 23. *Hen.6. Ca,* 15.

No Sheriffe ſhall be choſen for a Knight of the Parliament nor for a Burgeſſe, ſee the books of Entries 411. And at a Parliament holden 38. *Hen.* 8. It was admitted and accepted that if a Burgeſſe of the Parliament bee made Mayor of a Towne, or haue Iudiciall Juriſdiction, or another is ſicke, That theſe are cauſes ſufficient to thoſe others. And ſo was done by the Kings Writ out of the Chancery, comprehending this matter which was in *Commune domo Parliamenti*, 7. and 38. *Hen.* 8.

In euery writ of Parliament directed to the Sheriffe, this clauſe ſhall be inſerted: *Electionem tuam in pleno Com. tuo factum diſtincte & aperte ſub Sigillo tuo & Sigillis eorum qui electioni illi inter fuerunt mos in Cancellariam noſtram ad diem & locum in breue Contentum certifices indilato: Hen.* 4. Cap. 15.

The Sheriffe after the receipt of the writ of Election, &c. ſhall deliver without fraud a ſufficent precept vnder his ſeale to every Mayor, and Bayliffe or Bayliffes where no Mayor is, of City and Burrough within his County, reciting in his precept the writ of Parliament, commanding them by the ſaid precept; If it be a City to thoſe Citizens for the ſame City by Citizens, And if it be a Burrough then Burgeſſes, by Burgeſſes of the ſame to come to the Parliament,

And

And that the ſaid Maior, or Bayliffe, or Bayliffes, where no Mayor is, ſhall returne lawfully the ſaid precept to the Sheriffe : and thoſe who made the Elections, and of the names of the ſaid Citizens & Burgeſſes by them ſo choſen ; 23. *Hen. 6. Cap.* 15.

The Sheriffe ſhall make a good returne of his writ, and of euery returne of the Mayor and Bayliffe or Bayliffes, or Bayliffes where no Maior is to him made. And if the Sheriffe doe contrary to this Statude made for the election of Knights, Citizens, and Burgeſſes to come to the Parliament, he ſhall incurre the paine of 100. pounds to the King, and ſhall bee impriſoned for one whole yeare, without Bayle or maine-price. And the Knight for the County returned contrary to the ſaid Ordinances, ſhall looſe their wages by the Statute, 8. *Hen. 6. Cap.* 7. And the Sheriffe ſhall looſe 100. pounds to euery Knight, Citizen, and Burgeſſe, choſen in his County to come to the Parliament ; And not duely returned, or to any other who will ſue in his default by action of Debt, with coſts expended in that caſe : In which ſuite, the Defendant ſhall not wage Law, nor be eſſoyned, *Anno* 23. *Hen. 6. Cap.* 15.

If the Mayor, and Bayliffe, or Bayliffes, or Bayliffes where no Mayor is, doe returne others, then thoſe who be choſen by the Citizens and Burgeſſes of the Cities and Borough, , where ſuch Election ſhall bee made, hee ſhall forfeit to the King 40. pounds, and ſo much to the Citizen or Burgeſſe choſen to come to the Parliament and not duely returned by the Mayor or Bayliffe ; or Bayliffes where no Mayor

is, or to any other perſon who in default of ſuch Citizen or Burgeſſe ſo choſen, will ſue for it by action of debt with coſts expended. And they ſhall haue a writ of debt for the ſaid 40. pounds, in which the defendant ſhall not wage his Law nor ſhall be eſſoyned, 23. *Hen. 6. Cap.* 15.

Every Knight, Citizen, or Burgeſſe, choſen and not returned, ſhall Commence his action within 3. Moneths next after the commencing of the ſaid Parliament. In which he muſt proceed effectually without fraud, And if he ſo doe not, any other who will ſue for it, ſhall haue the ſaid Action for the ſaid Forfeiture, and coſts in the ſame expended: in which the Defendant ſhall not wage Law, nor ſhalbe eſſoyned; *Anno* 23. *Hen.6, cap.* 15.

If any Knight, Citizen, or Burgeſſe, that ſhall be returned by the Sheriffe to come to the Parliament, be after ſuch returne put out, and another put in his place, he that is in his place ſo put out, if he take vpon him to be a Knight, Citizen, or Burgeſſe, ſhall forfeite to the King 100. pounds, and ſo much to the Knight, Citizen, or Burgeſſe, returned by the Sheriffe: and ſo afterwards put out, and the ſame Knight, Citizen, or Burgeſſe, ſo put out, ſhall haue an Action of debt againſt him ſo put in his place, his Executors and Adminiſtrators, and ſhall commence his action within 3. Moneths after the beginning of the Parliament: and if he ſue not as before, any other who will, ſhall haue the ſaid ſuit; in which the Defendant ſhall not wage his law, nor ſhall bee eſſoyned; ſo that ſuch Knights of the Parliament choſen, be a

Knight

Knight, or ſuch Eſquire or Gentleman of the ſame County, who may be a Knight, and none to be ſuch a Knight, who ſtands in the Degree of a Yeoman; *Anno* 23. *Hen.*6. *Cap.*15.

All perſons and Commonalties who ſhall bee ſummoned to the Parliament, ſhall come as it hath beene accuſtomed of the Ancient time: And hee that commeth not hauing no reaſonable excuſe ſhall bee amerced, and otherwiſe puniſhed as of ancient time hath bin vſed, 5. *R.* 2. *Statut.* 2. *Cap.*4.

If any Archbiſhop, Biſhop, Duke, Marquis, Earle or Baron, be ſummoned by the Kings writ to come to the Parliament, and thorough ſicknes or any other infirmitie he cannot make his appearance at the ſaid Parliament, he muſt procure from the King his Warrant of abſence, as in like caſe was graunted to the Abbot of *Euſham* in the 23 yeare of *Hen*, 8. in forme following.

H. 8.

By the King.

Truſty and welbeloved. Wee greet you well, and albeit you have monition among other Prelates of our Realm to bee preſent at our high Court of Parliament to bee holden: yet nevertheleſſe wee of our eſpeciall grace conſidering your debility and age, bee content and by theſe preſents Licence you to be abſent from our ſaid Parliament during the continuance, prorogation, or adiournment of the ſame: The ſaid Monition, or any other

writ directed to you, or Commandement given by vs to you notwithstanding vnder our Seale, signed at our Mannor of Greenwich, *The 6. of Ianuary in the 23. of our raigne.*

To our truſtie and welbeloued in God, the Abbot of our Monaſtery of *Euſham.*

And it appeareth to be true which *Forteſcue* ſaith in his 18. *Cap. Fol.* 40. That Acts of Parliament and Statutes in England, are not made onely by the Princes pleaſure, but alſo by the conſent of the whole Realme: So that of neceſſity they muſt procure the Weale of the whole Realme, and in no wiſe tend to their hinderance. And it cannot bee otherwiſe thought but that they are repleniſhed with much wit and wiſedome, ſeeing they are not ordained by the advice of one man onely, or of a 100. wiſe Councellors, but of more then 300. choſen men, which agreeth with the ancient number of ancient Senators of Rome.

No Baron, Knight, Citizen or Burgeſſe, who ſhalbe choſen to come to the Parliament, ſhall not depart vntill that Parliament be ended or prorogued if he haue not licenſe of the Speaker, and of the Commons aſſembled in that Parliament, which licenſe ſhalbe entred in the Booke of the Clearke of the parliament appointed for the Commons *Houſe*, vpon paine of loſing their wages, whereof all Counties and Burroughs ſhall be diſcharged, 6. *Hen.* 8. *cap.* 16.

Con-

Concerning the due leauying of Knights Fees and wages for attendance at the Parliament, see the Statute made 23, *Hen.* 6. *Cap.* 11.

Knights and Burgesses for the Parliament must take the *Oath of Allegiance*, and so shall Citizens and Barons for the Fiue ports, for the parliament before they doe enter into the parliament house *Anno* 5, *Eliz. Cap.* 1. and they must also take the *Oath of Supremacie*, made 7, *Iacobi cap.* 6. Which two Oathes shall be taken before the Lord Steward for the time being, or his Deputy or Deputies.

Memorandum in the Statute made, *Anno* 25, *Hen.* 8, *Cap.* 19. entituled an Act concerning the submission of the Clergie of the Kings Majestie, is contained, that the Convocation is and alwayes hath bin and ought to be assembled by the Kings writ, The forme whereof is thus set downe by Doctor *Cowell* in his Interpreter *Verbo Proclam.* First, the King directeth his writ to the Archbishop of each province, for the summoning of all Bishops, Deanes, Archdeacons, Cathedrall and Collegiate Churches, and generally all the Clergie of his province: after their best discretions and judgements, assigning to them the time and place in the said writ, Then the Archbishops proceed in their accustomed course one example may shew both. The Archbishop of *Canterbury* vpon his writ of summon received, directeth his letters to the Bishop of *London* as his Deane provinciall: First citing him peremptorily, And then willing him to Scite in like manner all the Bishops,

Deanes, Arch-Deacons, Cathedrall and Collegiate Churches, and generally all the Clergie of his Province, to the place and against the day prefixed in the writ, but directeth withall: That one Proctor sent for every Cathedrall or Collegiate Church, and two for the body of the inferior Clergie of each Dyocesse may suffice, and by vertue of these Letters, Authentically sealed. The said Bishop of *London* sendeth the like Letters seuerally to the Bishops of euery Dioceſſe of the Province, cyting them in like manner, and commandeth them not onely to appeare, but also to admonish the said Deanes and Archdeacons, personally to appeare, and the Cathedrall and Collegiate Churches, also of the common Clergie of the Dyocesse, to send their Proctors at the day appointed in the Writ: And also will them to certifie the Archbishop, the names of all and euery one so summoned by them, in a schedule annexed to their Letters Certificatorie. The Bishops proceed accordingly, and the Cathedrall and Collegiate Churches: as also the Clergie make choise of their Proctors, which done and certified to the Bishop, he returneth all answerable to his charge, (*Cave lector*) for the Clergie of the Convocation house, are no part or member of the *Parliament*: as you may see resolued by the Lord *Richard* Lord *Windsor*, and others; in the beginning of the sixt Examination of Master *Philpot*, in the beginning of the raigne of Queene *Mary*: in Master *Foxes* booke of Martyrs, *Fol.* 1639. contrary to the opinion of Doctor *Cowell*, *vbi supra*. Nevertheless it is enacted by the Statute 8. *Hen.6. Cap.* 1. That all the Clergie called to the Convocation House by the Kings writ, and their servants and familiars shall haue and fully

fully vſe euery ſuch libertie and defence, in comming, abiding, and going, as the Great men and commonalty of the Land (to bee called to the Parliament of the King) ſhall haue.

And becauſe mention is here made of the Priuiledges appertaining to thoſe of the Parliament houſe ; take heere a word or two thereof. The Words of the Statute made the 11. *Hen. 6. cap.* 11. are as followeth : The King willing to prouide for eaſe and tranquility of thoſe that come to his Parliament : Hath ordained and eſtabliſhed, That if any aſſault or affray be made vpon any Lord Spirituall or Temporall, Knight of the Shire, Citizen or Burgeſſe, comming to the Parliament, or the Councell of our Soueraigne Lord the King. That then Proclamation ſhall be made, in the moſt open place of the City or Towne where the affray was ſo made, by 3. ſeuerall dayes. That the party that made ſuch affray and aſſault, yeild himſelfe before the King and his Bench, within a quarter of a yeare after the proclamation ſo made, if it be in the time of the Terme, or otherwiſe in the next day in the time of the Terme following the ſaid quarter. And if he ſo doe not, that he bee attainted of the deede, and pay to the partie greeved his double damages, to bee taxed at the diſcretion of the Iuſtices of the ſame Bench for the time being, or by inqueſt if it be needfull: and make Fine and Ranſome at the Kings will, and if he come and be found guilty by inqueſt, examination or otherwiſe of ſuch affray or aſſault, then he ſhall pay vnto the partie greeved thereby, his double damages found by the Inqueſt, or to be taxed by the diſcretion of the Iuſtices,

Iuſtices, and make Fine and Ranſome at the will and pleaſure of our Soveraigne Lord the King.

Every Knight, Citizen, Burgeſſe, Baron of the Five Ports or others, called to the Parliament of the King; Shall have priviledge of the Parliament during the Seſſions of Parliament, ſo that he that doth arreſt any of them during that time, ſhall bee impriſoned in the Tower by the Nether Houſe, of which he is and ſhall be put to his fine and the Keeper alſo, if hee will not deliver him when the Serjant at Armes doth come for him by the commandement of the houſe whereof he is: See *Dyer*, 60.

The ſervants attending vpon their Maſters during Parliament who are neceſſary, and alſo ſuch Officers as bee attending vpon the Parliament, as the Serjeant at Armes, the Porter of the doore, Clearkes and ſuch like, and in the ſame manner of their chattells and goods neceſſary, ſo that they ſhall not bee arreſted nor taken by any Officer, if it be not in caſe of Fellony or Treaſon, in the ſame manner, as the Iudges and Miniſters of other Courts ſhall have for their ſervants, goods and chattells neceſſary, ſee *Cromptons Courts*, fol. 11, a.

But the Parliament doth not giue priuiledge *Tempore vacationis ſed Scedente curia*. See *Brooks Title priviledge*, 56. It appeareth that in the Parliament 31. *Hen.* 6, in the vacation, the Parliament being continued by prorogation, *Thomas Thorpe* the Speaker was condemned in a Thouſand markes, damages by an Action of Treſpaſſe brought againſt him

him by the Duke of *Yorke*, and was committed to prison in Execution for the same, and after when the Parliament was re-assembled the Commons made suite to the King and Lords to haue *Thorpe* their Speaker, delivered for the good exployte of the Parliament: whereupon the Dukes Councell declared the whole cause at large, whereupon the Lords demanded the opinion of the Iudges, whether in that case, *Thorpe* ought to bee deliuered out of prison by priuiledge of Parliament; The Judges made this answere, that they ought not to determine the priuiledge of that high Court of Parliament: But for Declarations of proceedings in Law, Courts in case where writs of *Supersedias* for the priuiledge of the Parliament to be brought vnto them, they answer; That if any person that is a member of the Parliament be arrested in such case as it be not for Treason or Fellony, or for surety of the Peace, or for condemnation had before the Parliament. It is vsed that such persons be released and may make Attorney, so as they may haue their freedome and liberty freely to attend that Parliament: Hereupon it was concluded, That *Thorpe* should still remaine in prison according to the Law. Notwithstanding, the priuiledge of Parliament, and that he was the Speaker, which resolution was declered to the Commons by *Walter Moile* one of the Kings Serjeants at Law, and then the Commons were commanded in the Kings name by the Bishop of *Lincolne*, in the Absence of the Arch-Bishop of *Canterbury* then Chancellor, to choose another Speaker.

It hath beene much doubted whether one taken in Execution during the Parliament, may be set at liberty by writ of Parliament, as is to be ferne in the first of *Eliz.* 4 *Fol.* 8. *a. Dyer*, 60. But at this day the Law is explained in that case by the Statute made, 1. *Iacob Cap.* 19. Intituled *An act for new execution to be sued against any who shall hereafter be delivered out of prison by priuiledge of Parliament. And for discharge of them out of whose custody such prisoners shall be delivered.*

The forme of a Protection to be made by any person of eyther House of Parliament, vnto such of their Servants as may stand in danger of Arresting in time of Parliament.

Whereas by the ancient Priuiledges, Lawes and Customes of this Realme heretofore vsed and approved. The Lords Spirituall and Temporall, the Knights, Citizens and Burgesses of the Parliament, haue alwayes had their servants and followers priuiledged and free from any molestation, trouble, arrest or imprisonment, for some certaine dayes, both before the beginning and after the ending of the same. And whereas at this time a Parliament is summoned where my selfe being a Baron and Peere of the Realme (or Knight, or Burgesse) and there to make my appearance, I understand notwithstanding, that you or some of you, haue now in your hands some Processe, Writ or Warrant, to molest, arrest, imprison I. B. my houshold Seruant in ordinary,

whose

whose attendance I haue speciall cause to vse and employ in matters which doe much concerne and import my estate, and other occasions to be followed and solicited by him during this Sessions of Parliament These are therefore to Charge and Command you, and every one of you, both to withdraw the same Processe, Writ or Warrant, if any such bee; As also, if thereby you or any of you, haue molested, arrested, or imprisoned him the said J.B. within the Compasse of the foresaid dayes of priuiledge; That then vpon sight hereof, you presently set him at liberty, as you or any of you will answere the contrary. Given vnder my hand and Seale the 16. day of Februa. ry, 1627.

To all Maiors, Sheriffes, Bayliffes, Sergeants, Knights, Marshals-men, and all other his Majesties Officers.

R. S.

The forme of a Letter directed to the Sheriffe of *I.* for discharge of a Seruant that is Arrested vpon Execution, and during the time of the Parliament notwithstanding his Protection.

Mr. Sheriffe, whereas I was to be attended to the Parliament, I wanted one of my household seruants, a Gentleman of mine, called B. *to whom I had giuen a priuiledge for this Session of Parliament, to prevent any arrest or imprisonment for his debts, to the end he might waite on mee, and prosecute my busines with more diligence and lesse danger of Interruption in that kinde. But I now vnderstand hee is in the Custody of the Sheriffe of* Middlesex, *within the dayes limitted vpon an Execution of* 1000. *pounds, And that hee doth detaine him and will take no notice of my priuiledge vnder my hand and Seale, although it hath beene shewed him: I haue chosen rather to write to you then to take the Ancient priuiledges and liberties of the vppermost House of Parliament, and the honour of a Peere of this Kingdome into your friendly consideration, then that I would be offensiue to any of your subordinate Officers, in sending for them and the Plaintiffe by a Serieant at Armes, or to commit them before the Lords for their contempt. And Mr. Sheriffe, I am further giuen to vnderstand, that the Deputy is brother to the vnder-Sheriffe, and that hee did execute the Office the last yeere, which is a plaine defrauding of the Law, not being*

being three yeares betwixt them, being well knowne that his brother doth not intermeddle in the Office at all, nor taketh any notice at all what warrants are made foorth in his name, or of what writs are brought to his hands, for his Deputie doth take the whole benefit of the place into his owne hands. And by this meanes the vnder Sheriffe being in Glocestershire, *he hath a colloure as his Deputy not to take notice of our priuiledges being directed to the Sheriffe; herewith I thought good to acquaint you, expecting your answere and the release of my Servant, otherwise, I purpose not to loose the priuiledge of a Peere of the Realme. whilest it concernes our honour. And is no Indempnity to the Plaintiffe, whose Iudgement and Execution is in as much force and strength, by a late Statute to take hold of B. afterwards as it was before.*

Concerning the vpper house of Parliament: first it is obserued, that thither commeth all Lords of the Parliament aswell Spirituall as Temporall, and they are summoned by the Kings writ also, but *Separatim*, and not by a generall writ to the Sheriffe of the County, as the Commons are summoned who

of the lower house of the Parliament, the forme of which writ is as followeth.

Carolus, &c. Charissimo consanguineo suo comiti Oxon. Salutem de advisamento & assensu Consilii nostri, Pro quibusdam arduis & urgentibus negotijs nos Statum & defensionem Regni nostri & Eccles. Anglicanæ concernent quendam Parliamentum nostrum apud Civitatem nostram Westm. 10. die Martij, Prox. futur. teneri ordinavimus, & ibidem vobiscum ac cum Prelatis magnatibus & proceribus dicti Regni nostri Colloquium habere & tractare; vobis sub fide & ligeancia quibus nobis tenemini firmiter injungendo Mandamus quod consideratione dictorum negotiorum arduate & periculis in mentibus Cessante excusatione quicunq; dicto die & loco personaliter interfitis nobiscum, ac cum Prelatibus magnatibus & proceribus supradictis negotijs, tractare vestrumq; consilium impensur. Et hoc sicut nos & honorem nostram, & rempublicam, & salutationem, & defensionem Regni & Ecclesiæ, predict. expeditionemq; negotiorum dictorum diligitis nulla tenus omittatis. Teste me ipso apud Westm. 18. die Januarij Anno Regni nostri, &c.

At the first day appointed by the King for the Parliament visually the King in person doth ride thither as it were to open the doore of their Authority, attended by all the Lords Spirituall and Temporall in their Parliament Robes. But if the King be let *per Egrindinem* or by other Causes, his Majesty may command the adjornment of the Parliament to be held at some other day at his pleasure, as was done at the first day of the Parliament holden the first yeare of the

the late Queene *Eliz.* as appeareth in *Dyer, Fol.* 20. 3. *a.* Which Parliament was prorogued by writ Patent, vnder their entire great Seale and signet with the hand of the Queene: by which Booke the printed Booke of the Statutes may be corrected.

And the King may vnder his great Seale assigne 2. or 3. of the Lords of the Parliament to supply his place in Parliament, if he be sicke, or will not come for any other cause, *vt factum fuit, Anno* 31. *Eliz.* At which time the Archbishop of *Canterbury*, The Lord Treasurer of *England*, and the Earle of *Derby*, were Commissioners, vnder the great Seale appointed and assigned to represent her Majesties person in Parliament,

And they doe sit one space lower from the Cloath of Estate in the *Parliament* House, See *Cromptons Courtes. Fol.* 12. *a.*

By the Statute made *Anno* 23. *Hen.* 8. *Cap.* 21. It is thus defaced, the Assent of the King by his Letters Patents vnder the great Seale of *England*, and signed with his hand and notified in his absence to the Lords of the Parliament, and Commons assembled in the higher House, is and euer was of as good force and strength as if the person of the King had bin there present; and had assented openly and publikely to the same. And such Royall assent as is aforesaid shall be taken, for good and effectuall to every intent without any ambiguity of Custome or vsage to the contrary notwithstanding.

In

In this Court is attending, The Lord Chancellor of *England*, or the Lord Keeper of the great Seale, or some other sage man as the King shall choose. By whom the King doth shew his mind to the Lords. And hee doth put them in remembrance of those things whic are to be treated there before the Lords, who if hee bee no Baron, or Peere of the Realme, sitteth neare the King behind the cloath of Estate, And is as the Speaker of the vpper house of Parliament.

In the 31. yeare of *Hen.* 8. *Cap.* 10. Intituled an Act concerning placing of the Lords in the Parliament Chamber, and other assemblies and conferences of Counsell, It is enacted as followeth. *For asmuch as in all great Counsels and Congregations of men having sundry degrees in the Common wealth, it is very requisite and conuenient, that an order be had and taken for the placing and setting of such persons as are bound to resort to the same; To the intent that they knowing their places, may vse the same without displeasure or let of the Counsell: Wherefore the Kings most Royall Majesty, although it appertaineth to his Prerogatiue Royall to giue such honor, places and reputation to his Councellors and other his subjects as shall seeme best to his most excellent Majesty, He is nevertheless pleased and contented for an order to be had and taken in this his most high Court of Parliament, That it shall be inacted by authority of the same, in manner and forme as hereafter followeth.*

First,

First, it is enacted by authority aforesaid, that no person or persons of what estate, degree or condition soever he or they be of (except onely the Kings Children) shall at any time hereafter attempt or presume to sit, and haue place at any side of the Cloath of State, in the Parliament Chamber, neither of th'one hand of the Kings Highnesse, nor on the other: whether the Kings Majestie be there personally present, or absent, And for as much as the Kings Majestie is justly and lawfull supreame head in Earth, of the Church of England, *vnder God. And for the exercise of the said most royall Dignity and Office, hath made* Thomas *Lord* Cromwell, *and Lord priuie Seale, his Vicegerent, for good and due ministration of Iustice to be had and vsed in all Causes and Cases touching the Ecclesiasticall Iurisdiction, and for the godly reformation and redresse of all Errors, Heresies, and abuses in the same Church. It is therefore enacted by authority aforesaid, That the said Lord* Cromwell, *hauing the said Office of Vicegerent, and all other persons who shall hereafter haue the said Office of the grant of the Kings Highnesse, his heires and Successors, shall sit and be placed as well in this present Parliament, as in all Parliaments whatsoeuer hereafter to be holden, on the right side of the Parliament Chamber; and on the same forme that the Archbishop of* Canterbury *sitteth vpon; and aboue the said Archbishop and his Successors, and shall haue place in every Parliament to assent or dissent, as other the Lords of the Parliament.*

And it is enacted, that next to the said Vicegerent shall sit the Archbishops of Canterbury *and* Yorke, *and then next him on the same forme and side the Bishop of* London, *and next to him on the same forme and side the Bishop of* Duresme, *and next to him, on the same forme and side, the Bishop of* Winchester: *and then all the other Bishops*

of both Provinces of Canterbury and Yorke shall sit and be placed on the same side after their ancienties, as it hath beene accustomed.

And for as much as such persons as now haue, or hereafter shall happen to haue other great Offices of the Realme, That is to say, The Office of the Lord Chancellour, Lord Treasurer, Lord President of the Kings Councell, The Lord privie Seale, The Great Chamberlaine of England, The Marshall of England. The Lord Admirall, The Grand Master or Lord Steward of the Kings most honourable Houshold; The Kings Chamberlaine, and the Kings Secretary, haue not heretofore beene appointed and ordered for the placing and sitting in the Kings most high Court of Parliament, by reason of their Offices, It is therefore now ordered, and enacted by authority aforesaid, That the said Lord Chancellour, Lord Treasurer, the President of the Kings Councell, and the Lord privie Seale, being of the degrees of Barons, or aboue, shall sit and be placed as well in this present Parliament, as in all other Parliaments hereafter to be holden in the left hand of the Parliament Chamber, on the higher part of the forme on the same side, aboue all Dukes (except onely such as shall be the Kings Sonne, the Kings Brother, the Kings Vncle, the Kings Nephew, or the Kings Brother or Sisters Sonnes.

And it is also ordained, and enacted by authority aforesaid, That the great Chamberlaine, the Constable, the Marshall, the Lord Admirall, the Grand Master or Lord Steward, and the Kings Chamberlaine shall sit and be placed after the Lord privie Seale, in manner and forme following, That is to say; every of them shall sit and be placed aboue all other personages being of the same estate or degree, that they shall happen to be of; That is to say, the Great Chamberlaine first, the Constable second, the Marshall third:

third: the Lord Admirall fourth: the Grand Maſter or Lord Steward fifth, and the Kings Chamberlaine the ſixt.

And it is alſo enacted by authority aforeſaid, That the Kings chiefe Secretary, being of the degree of a Baron of the Parliament, ſhall ſit and be placed above and before all other Barons, not having any of the Offices afore remembred, and if he be a Biſhop, That then he ſhall ſit and be placed above all other Biſhops, not having any of the Offices above remembred.

And it is alſo ordained and enacted by authority aforeſaid, That all Dukes not before mentioned, Marquiſſes, Earles, Viſcounts, and Barons, not having any of the Offices aforeſaid, ſhall ſit and be placed after their ancientie, as it hath beene accuſtomed.

And it is further enacted, that if any perſon or perſons which at any time hereafter ſhall happen to haue any of the Offices aforeſaid, of Lord Chancellour, Lord Treaſurer, Lord Preſident of the Kings Counſell, Lord priuie Seale, or chiefe Secretary, ſhall be vnder the degree of a Baron of the Parliament; By reaſon whereof they haue no intereſt to giue any aſſent or diſſent in the ſaid houſe: That then in euery ſuch Caſe, ſuch of them as ſhall happen to be vnder the ſaid degree of a Baron, ſhall ſit and be placed at the vppermoſt part of the Sackes, in the middeſt of the Parliament Chamber, either there to ſit vpon one forme, or vpon the vppermoſt Sacke: The one of them above the other in order as is above rehearſed.

Be it alſo enacted by authority aforeſaid, that in all tryals of Treaſon by Peeres of this Realme: If any of the Peeres that ſhall be called hereafter to be Tryers of ſuch

Treason, shall happen to have any of the Offices aforesaid, That then they having such Offices, shall sit and be placed according to their Offices, above all th'other Peeres that shall be called to such tryals, in manner and forme as is above mentioned and rehearsed.

And it is also enacted by authority aforesaid; That as well in all Parliaments, as in the Starchamber, and in all other Assemblies, and Conferences of Councell: The Lord Chancellour, the Lord Treasurer, the Lord President; the Lord privie Seale, the Great Chamberlaine, the Constable, the Marshall, the Lord Admirall, the Grand Master or Lord Steward, the Kings Chamberlaine, and the Kings chiefe Secretary, shall sit and be placed in such order and forme as is above rehearsed, and not in any other place, by authority of this present Act.

And in Sir *Edward Cokes* 11. *part. fol.* 1. The cause concerning priority of place in the vpper house of Parliament was as followeth, at the Parliament held the 39. *Eliz.* The case was thus:

Thomas Lawarre Knight, Lord *Lawarre*, sonne and heire of *William*, sonne and heire of *George*, Brother and heire of *Thomas*, Sonne and heire of *Thomas* Lord *Lawarre*, exhibited his petition to the Queene to this effect, That whereas *Thomas* the Great-grand-father was called to Parliament by Writ of Summons, 3. H. 8. and afterwards this *Thomas* the Great-grand-father dyeth; After whose death, *Thomas* his sonne, was called to divers Parliaments by Writ of Summons. And afterwards by act of Parliament 3. E. 6. for divers causes in the said act mentioned, it was enacted, That the said *William* during his life, should be disabled to claime or enjoy any dignity or superiority, in any right, estate, &c. by discent, remainder, or otherwise. And afterwards

wards the ſaid *Thomas* the ſonne of *Thomas* dyeth; after whoſe death the ſaid *William* being diſabled, was not called to any Parliament, by writ of Summons, till Queene *Elizabeth* called him to Parliament by writ of Summons, and ſitteth as yongeſt Lord of the Parliament: And afterwards he dieth, and now the ſaid *Thomas* his ſonne being called to Parliament by writ of Summons, ſueth to the Queene that he may haue place in Parliament, of his Great-grand father (that is to ſay) betweene the Lord *Berkley* and the Lord *Willoughby* of *Eresby*: And the ſaid petition was indorced in theſe words; Her Majeſty hath commanded mee to ſignifie to your good Lordſhips, that vpon the humble ſuite of the Lord *Lawarre*, Shee is pleaſed that the matter ſhall be conſidered and determined in the Houſe.

Robert Cecill.

Which petition being read in the vpper houſe of Parliament: The conſideration of this was referred and committed to the Lord *Burley*, Lord Treaſurer of *England*, and diuers other Committees, who at his Chamber at *Whitehall* heard the learned Councell on both ſides, in the preſence of the two chiefe Juſtices, and diuers other Iuſtices: And two obiections were made againſt the Lord *Lawarre*: firſt, inſomuch that his Father was diſabled by act of Parliament to claime the dignity; The petitioner may not conuay by him who was diſabled, as heire to his Great-grand-father, and by conſequence he may not haue the place of his Great-grand-father.

But it was reſolued by all the Iudges, That there was a difference betweene a perſonall and a Temporary diſability, and abſolute and perpetuall diſability: As

whereas one is attainted of Treaſon or Fellony; this is abſolute and perpetuall diſability by corruption of blood, for any of his poſterity to claime any hereditament in Fee ſimple, either as heire to him, or any other: But diſability by Parliament without any Attainder, to claime the dignity for his life; That is Perſonall diſability for his life onely, and his heires after his death may claime as heire to him, or any other Anceſtor above him: The ſecond objection is, that the ſaid *William* hath accepted new Creation of the Queene; which dignity newly gained, diſcendeth to the petitioner which may not wave: and for that the Petitioner may not have other place then his Father had.

To this it was anſwered and reſolved, that th'acceptance of a new Creation by the ſaid *William*, may not hurt the Petitioner, becauſe the ſaid *William* was at that time diſabled, and in truth he was no *Baron*, but onely an Eſquire; ſo that when th'old and new dignity diſcended together, th'old ſhall be preferred: which reſolution was well approved by all the Lords Committees, which was accordingly reported to all the Lords of the Parliament, and allowed by them all: whereupon it was ordered by the Lords, that the Queen ſhould be acquainted with this by the Lord Keeper, which was done accordingly.

Whereupon at the ſaid Parliament, the Lord *Lawarre* in his Parliament Robes, was by the Lord *Zouch* ſupplying the place of the Lord *Willoughby*, within age at that time; And the Lord *Berkley* alſo in his Robes, brought into the houſe, and placed in his ſaid place (that is to ſay) next after the Lord *Berkley*, *Garter* King at Armes attending vpon him, and doing his Office.

In the vpper houſe of Parliament doth ſit the Juſtices vpon ſacks of Wooll, *in medio Camere*; who are called

called thither by the Kings Writ, *quod perſonaliter inter ſitis nobiſcum ac cum ceteris de conſilio noſtro predictis negotiis, tractat veſtrumque conſilium impenſurum:* And this *negotia* be *Ardua & vrgentia negotia Regni, &c.* And their oath amongſt other things is, that they ſhall counſell the King truely in his buſineſſe, but they haue no voyce among the Lords.

If the Reader be deſirous to ſee particular caſes happening in Parliament, wherin the opinion of the Iudges there had beene recreated: And how their opinions delivered in Parliament ought to be regarded, he may reade at large in *Egertons poſt-nati. fol. 16. & ſequentum.*

If a Writ of Error be brought in Parliament vpon a Iudgement given in *Kings Bench*; The Lords of the Higher houſe onely, without the Commons are to examine the Errors, and that is by the advice and counſell of the Iudges, who are to informe them what the Law is, and ſo to direct them in their Iudgement, and if the Iudgement be reverſed, then commandement is to be given to the Lord Chancellour to doe execution accordingly. And ſo was done in the 7. of R. 2, in a Writ brought in Parliament by the Deane and Chapter of *Litchfeild*, againſt the Prior and Covent of *Newport Pannell*, as appeareth by the Record. And if the Iudgement be affirmed, then the Court of Kings Bench are to proceed to execution of the Iudgement, as appeareth in *Howerdewes* caſe, 1. H. 7. *fo.* 19.

But it is to be noted, that in all ſuch Writs of Errors, the Lords are to proceed according to the Law; and for their judgement therein, they are informed and guided by the Iudges, and doe not follow their owne opinions, or diſcretions. See *Egertons poſt-nati fol.* 23.

There doth alſo ſit the Secretaries of eſtate, who are

to anſwer ſuch Letters or things paſſed in the Councell whereof they have the keeping; And with them the Maſter of the Roles; But they have no voice in Parliament, if they be not of the degree of a Baron.

Note by *Kirby*, Clerke of the Roles of the Parliament: It is thus in the Bookes of the Law, the 33. H. 6. cap. 17. If a Bill come firſt to the Commons, and they doe paſſe it; then the vſe is to inderſe it in this forme, *Soyt Bayle a ſeigneures*: And then if the Lord nor King doe not alter the Bill, then it ſhall be inroled by the Clerke of the Parliament: and if the Bill paſſe, then it ſhall be Inroled, but if it be a particuler Bill, then it ſhall be filed vpon *filaces*, and that ſhall ſuffice, vnleſſe the party whom it particularly concernes will ſue to haue it Inroled, that it may be Iproled to be ſure.

If the Lords will alter a Bill, ſent to them from the Commons houſe, in a thing that may ſtand with the Bill, they may doe ſo without remanding to the Commons. And if the Commons doe grant domage for foure yeares, and the Lords will grant it but for two yeares, this Bill ſhall not be delivered againe to the Commons: But if the Commons doe grant but onely for two yeares, and the Lords doe grant it for foure yeares, then the Bill muſt be remanded vp to the Commons, and in that caſe the Lords muſt make a Scedule of their intent, or elſe indorſed in this forme, *Les ſeignenres ſe aſſent pur durar pur quater anne:* And when the Commons have the Bill againe, if they doe not aſſent to it, then it is no Act or Statute; and if the Commons doe conſent, then they doe indorſe their anſwer vpon the Margent within the Bill in a certaine forme.

And then it ſhall be delivered vnto the Clerke of the Parliament, *vt ſuppa.*

If the Bill be firſt delivered to the Lords, and the Bill doth

doth paſſe them, they vſe not to make any indorſement, but to ſend the Bill to the Commons, and if it paſſe them alſo, it is vſed to be thus indorſed, *Les Commones ſont aſſentant, &c.* And therefore if *John* at *Stile* be attainted of Treſpaſſe by Parliament, if hee doe not come in by ſuch a day, he ſhall forfeit ſuch a ſum. And the Lords doe giue a longer day, if it doe not come to the Commons againe, it is no Act or Statute, becauſe it was not remanded againe to the Commons after the enlargement of the day given by the Lords.

Every Bill that doth paſſe the Parliament in both Houſes, ſhall have relation to the firſt day of the Parliament: And the vſe is, not to make mention what day the Bill was delivered into the Parliament: If no day be ſpecially appointed by the Statute, when it ſhall Commence: As if one Parliament be holden by divers prorogations, *Plowdens Commentaries fol. 79. a. 6.*

If a Parliament doe Commence before Penticoſt, and hath continuance after Penticoſt, and the Commons doe agree to a Bill after Penticoſt, and in the ſame doe give day till Penticoſt next comming; and the Lords doe ſo alſo, becauſe the Bill ſhall have no relation the firſt day of the Parliament. Therefore if it be not prevented, it ſhall be taken for that Penticoſt that is paſt at that Seſſions, whereas th' intent of the Lords and Commons was, that it ſhould be a future Penticoſt after that Penticoſt mentioned in the Bill. See *Brookes Prerogatives and Parliaments.* 4.

The Barons in the vpper houſe of Parliament may in ſome caſes give their voyces by procuracie, not ſo in the Commons houſe, and thoſe Procters muſt be Barons, and of the Higher houſe of Parliament. But in the Cõmons houſe of Parliament it is otherwiſe, for the Clarke of the Parliament take the notice of the moſt hands or voyces ſounding at once, And therefore if

 their

their assent be issuable, the Clergie may say *Per majorem numerum generalis*. So in case of Election of Crowner or a Knight of the parliament. See *Plowdens Commentaries. 126, a.*

All the priviledges which doe belong to those of the Commons house of parliament: *a fortiori* doe appertain to all the Lords of the vpper house; for their persons are not onely free from arrests during the Parliament, but during their liues, neuertheleſſe th'originall cause is by reason they haue place and voyce in Parliament: And this is manifest by expresse authorities grounded vpon excellent reasons in the Bookes of Law.

And if a Baron, Viscount, Earle, Marquesse or Duke, of *England* bring any action reall or personall, and the defendant pleadeth in abatement of the Writ, That hee is no Baron, Viscount, Earle, &c. And thereupon the demaundant or plaintiffe pleadeth in abatement of the Writ, and taketh issue; This Issue shall not be tryed by a Jury, but by the Records of the Parliaments whether he or his ancestors, whose heire he is, were called to serue there as a Peere, or one of the Nobility of the Realme, See sir *Edw. Cokes 6 part. 53. & 7 part. fol. 17, a.*

In the ancient *Britanes* and *Saxons* Kings dayes, the Archbishops and Bishops were called to their Parliaments, or other assemblies of State; which was done not so much in respect of their tenures, for in those dayes all their tenures were *Francke Almonage*, but especially becausse the Lawes and Councels of Men were then most currant and commendable, and had a more blessed issue and successe, when they were grounded vpon the feare of God, the root and beginning of wisedome. And therefore our wise and religious Ancestors called thither those chiefe and principall persons of the Clergie, who by their place and possession, by their grau-

gravities, learning and Wiſedome might beſt adviſe them, what was the law of God, his acceptable will and pleaſure: That they might from their humane Lawes anſwerable, or at the leaſt not contrary or repugnant thereunto. Neuertheleſſe ſhortly after the *Norman* Conqueſt, the Conquerour altered the tenure of the Biſhoprickes, not without ſome complaint and griefe of the Clergie, as it is mentioned in *Mathew Paris*, *Anno* 1070.

And in the Conſtitutions of *Clarendon*, in the time of H. 2. *Anno* 1164. It is expreſſed in the eleaventh Article.

Thereby we ſee the preſence of the Biſhops in Parliament, in reſpect of their Baronies, *quouſque Perueniatur ad diminicionem, &c.* for ſo even vnto our times, when queſtion is had of the Attainder of any Peere, or other in Parliament; the Archbiſhops and Biſhops depart the higher houſe, and doe make their Proctors; for by the decrees of the Church, they may not be Judges of life and death. Ever ſince the Conqueſt the Archbiſhops and Biſhops haue no title to haue place and voyce in Parliament, but onely in reſpect of their Temporall Baronies.

And it is to be obſerved, that although of latter times the vſe and manner of pening of Satutes, is that it is enacted by the Lords Spirituall and Temporall, and the Commons in the ſame aſſembled: yet the ancient forme was not ſo, which you may ſee exemplified in Sir *Edward Cokes* 8. *part. fo.* 19.

And good Acts of Parliaments may be made, though the Archbiſhops and Biſhops would not conſent thereunto: for a Statute was made *Anno* 1196. by the King, the Barons, and the Commons (*Clero excluſo:*) And this was at a Parliament holden at Saint *Edmundsbury*, in the raigne of E. 1. as it is reported by *Iewell* Biſhop

of *Salisbury* against *Harding*. *fo.* 620. And in the prouince of *Mirton*, in the time of H. 8. 1272. a matter was moued of Bastardy, touching the legitimation of Bastards, borne before Marriage; where it is said, That the Statute did passe intirely with the Lords temporall, against the wils of the Lords spirituall: which Statute is in the Bookes in the 20 yeare of H. 8. 3. c. 9.

And in the 11. yeare of R. 2. cap. 3. It is enacted, that the Appeales, Pursuits, Accusements, Processes, Iudgements, and Executions, made and given in this present Parliament, be approued, affirmed and established; as a thing duely made for the weale and profit of the King our Soueraigne Lord, and of all the Realme, notwithstanding that the Lords Spirituall and their procurators did absent themselues out of the Parliament, the time of the said Iudgement given, for the honesty and saluation of their estates, as it is contained in a protestation made by the Lords Spirituall, and their procurators delivered in this present Parliament.

See *Kelbaneyes* Booke, *fo.* 184. in the 7. H. 8. The Iustices did say, that our Soueraigne Lord the King may well hold his Parliament by him and his Temporall Lords, and by the Commons also, without the Spirituall Lords, for the spirituall Lords have not any place in the Parliament Chamber, by reason of their spiritualties, but onely by reason of their Temporall possessions.

The Soueraigne power of this high Court of *Parliament* is this; That albeit the Kings Majestie hath many great priuiledges and prerogatiues, yet many things there are, not effectuall in Law, to passe vnder the great Seale by the Kings Charter without *Parliament*: as vpon this point it was resolued by all the Iudges in the Princes case, That the Dukedome of *Cornewall*, &c. did not, nor could passe from E. 3. by

his

his Charter made in Parliament; That his Sonne and heire apparant, and to his heires informe, as it was intended and made in *Anno* 11. of his raigne. But of neceſſity it was, and ſo was done by authority of Parliament: which Caſe is notable and worth the reading. See Sir *Edw. Cokes* 8. *part. fo.* and his 7, *part. fo.* 7. *a*, The King by his Letters Patents may make a deviſion but cannot naturaliſe him to all purpoſes, as an Act of Parliament may doe; for the Kings Charter cannot make any hereditable, in this caſe, that by the common Lawes cannot inherit. And herewith agreeth the 36. of H. 8. *Denizon Brooke.*

Bracton in the beginning of his ſecond Booke, ſaith; *Nihil aliud poteſt Rex in terris cum ſit dei miniſter & vicarius quam quod de jure poteſt:* and a little after, *Itaq; Poteſtas ſua eſt Iuris non injuria & ſicut ſit author Iuris non debet inde Injuriam naſci occaſio unde jura naſcuntur.*

And it appeareth in *Fitzharberts natura Brevium* 222 in the Writ *ad quam damnum*, that every grant of the King or gift, hath his condition expreſſed or imployed, as by the Law annexed to it; *Itaque quod per adonationem illam patria magis ſolito non overetur ſni grauetur.*

And therefore it was reſolved by all the Iudges 4. *Iacobi*, that they who digge for ſalt-Peter, may not dig within the Manſion houſe of any Subject, without his aſſent, for the manifeſt inconveniences that thereby may grow to the owner of the houſe. See Sir *Edward Coke* 11. part. 82.

Alſo the Commiſſion to be made, the purveyers for Timber, for the Kings vſe; yet they cannot by that authority make Timber Trees growing vpon any mans Freehold: for that is prohibited by *Magna Carta ca.* 21. *nos nec ballini noſtrinec alij capemus boſcum alie-*

num ad castra vel ad alia agenda nostra nisi per voluntatem enim boscus ille fuerit.

A Commission was awarded to take singing Boyes in Cathedrall Churches, or in other places where such are instructed for the furnishing of the Kings Chappell; these generall words by construction shall haue a reasonable vnderstanding: That is to say, such children who be taught to sing, thereby to acquire or get their livings, such may be taken for the Kings service; But the sonne of a Gentleman, or any other, who is taught to sing for his recreation, ornament, or delight, may not be taken against his will, or against the will of his parents, or friends, and so it was resolved by all the Iudges, and whole Court of Starre-Chamber 43. *Eliz.*

If a man be attainted of Felony or Treason, by Verdict, Outlary, Confession, &c. his blood is corrupted: which is a perpetuall and absolute disability for him or his posterity, to claime any hereditament in Fee-simple, either as heire to him or any Ancestor *Paramount* him, and he shall not be restored to his blood without Parliament: and the King may give to any attainted person his life, by this Charter of Parliament. See *Stamfords pleas* 195. For the King cannot alter the Common Law, or the generall customes of the Realme, such as the discent of *Ganill* kinde, *Borough*, *English*, or such like, without Parliament. See *Brooks Prerogative* 15. & 11. H. 4. c. 73.

And it is set downe for a rule; That if a King haue a Kingdome by discent there, seeing by the Law of that Kingdome he doth inherit that Kingdome, he cannot change those lawes of himselfe, without consent of Parliament.

Fortescugh also saith in his 9, c. fo. 25, 6. If the power of the King over his Subjects were Royall onely, and not

not politicke, then he might change the Lawes of the Realme, and charge his Subjects with Tallages and other Burdens, without their consent. And such is the dominion of the Civill Law purports, when they say, *quod principi placuit legis habet vigorem.* But by the lawes of this Kingdome, the King cannot by his Proclamation alter the Law; But the King may make proclamation that he shall incurre the indignation of his Majestie, that withstanding it. And by his absolute authority, the King may commit any one to prison during his pleasure, see *Stamford* 72. But the penalty of not obtaining his proclamation, may not be upon paine of forfeiture of his goods, his Lands, or his life without Parliament. see *Cromptons Courts* 14. *a.* & 16. 6. *sed omnes non capit hoc verbum:* for they of another profession in Law say, that of these two, one must needes be true, that either the King is above the Parliament, that is the positive law of the Kingdome; or else, that he is an absolute King. *Arest. leb. Plict. c.* 16. And therefore though it be a mercifull pollicie, and also a politicke mercy; not alterable without great perill, and to make Lawes by the consent of the whole Realme, because no one party shall have cause to complaine of a partialitie, yet simply to bind the King to or by those lawes, were repugnant to the nature and constitution of an absolute Monarchy.

In some speciall cases there sometimes may be liking of Subjects without land of possession, as in the government which *Moses* had over the children of *Israel*, in the Wilderneſſe, and in the case which Sir *Iohn Popham*, the late Lord chiefe Iustice, did put in the Parliament, If a King and his Subjects be driven out of his Kingdome by his Enemies, yet notwithstanding he continueth still King over his subjects, and they still are bound to him by their bonds of allegiance, where-

soever

ſoever they be: But he cannot be a King without Subjects, for that were *Imperium inbellans & Rex & Subditæ ſunt relatiua*,

I beleeve *Salomon* that ſaith, *per me reges regnant & Principes inſtà dicerunt*, and I make no doubt, but as God ordained Kings, and hath given Lawes to Kings themſelves, ſo he hath authorized and given power to Kings to give Lawes to their Subjects, and ſo Kings did firſt make Lawes, and then ruled by their Lawes, and altered and changed their Lawes from time to time as they ſaw occaſion, for the good of themſelves and of their Subjects.

By the Premiſſes it appeareth, that Acts of Parliament and Statutes are made in this high Court of Parliament by the King, with the conſent of the Commons, or by the greater part of them, for ſo ſaith *Littleton* in the 15. E. 4. *fo*, 2. *a*.

In the Parliament, if the greater part of the Knights of the ſhiere doe aſſent to the making of an Act of Parliament, and the leſſer part will not agree to it, yet this is a good Act or Statute, to laſt *in perpetuum*: and that the law of *Maior pars* is ſo in all Counſels, Elections, &c. both by the rules of the Common law and the Civill, and Common Law alſo.

In this Court of Parliament, they doe make new poſitive Lawes or Statutes, and ſometimes they inlarge ſome of them, as vnto them ſeemeth good: and it is good counſell, that in making of lawes, *quod eius fieri poſſit, quam plurima legibus diſinientur quam paciſſima vera Iudicis arbitrio relinquantur*, Yet for ſo much as every conſiderable circumſtance cannot be fore-ſeene at the time of the making of the law, for, *rerum progreſſus oſtendunt multa quo in mitio Preeaueri ſen prouideri not poſſunt*. Therefore by the very intent of the makers of the Statute, they doe many times leaue to be

ſupplied

ſuppoſed by the diſcretion of th'executioner of the Law, that thing which was not conueniently comprehended before hand, by the wiſedome of the Authors of the ſame : for the expounding of the Lawes doth ordinarily belong to the reuerend Judges, and in caſe of greateſt difficulty of importance, to the high Court of Parliament. See *Plowdens Commentaries, fol.* 363. *a*, 364. & 365.

And the Judges doe ſay, that they may not make any interpretation againſt the expreſſe words of the Statute, where th'intent of the makers of the Law doe appeare to the contrary, and where no inconuenience by the Statute ſhall enſue : for in ſuch caſes *A verbis legum non eſt recedendum*.

But to exemplifie all the ſeuerall kinds and formes of penning them, and the words of them taken and conſtrued, ſometimes by execution, ſometimes by reſtriction, ſometimes by implication, ſometimes by diſiunction, ſometimes a diſiunctiue for a copulatiue, ſometimes a copulatiue for a diſiunctiue, the preſent tence for the future, the future for the preſent, ſometimes by equitie out of the reach of the words, ſometimes taken in a contrary ſence, ſometimes ſingularly, as *Continens pro content*, and ſuch like, will aske a volume by it ſelfe, and in my opinion is not incident to this diſcourſe of the *Iuriſdiction of high Court of Parliament*.

Hereunto is annexed

A briefe Abſtract of the worthineſſe of, and ſome memorable matters done by PARLIAMENT in this Kingdome of ENGLAND.

BY *Parliaments all the wholeſome fundamentall Laws of this Land were and are eſtabliſhed and confirmed.*

By Act of Parliament the Popes Power and Supremacie, and all ſuperſtition and Idolatry are abrogated, aboliſhed and baniſhed out of this Land.

By Act of Parliament Gods true Religion, worſhip and ſervice are maintained and eſtabliſhed.

By Act of Parliament the two famous Univerſities of Cambridge *and* Oxford *have many wholeſome and helpefull Immunities.*

By Parliament one Pierce Gaveſton, *a great favorite and notable miſleader of K.* Edw. 2. *was removed, baniſhed, and afterwards by the Lords executed.*

By Parliament Empſon *and* Dudley, *two notorious Polers of the Common-wealth, by exacting pe-*

nal

wall Lawes on the Subiects, were diſcovered, and afterwards executed.

By Parliament the damnable Gunpowder-Treaſon (hatched in Hell) is recorded to be had in eternall Infamie.

By Parliament one Sir Giles Mompeſſon, *a Moderne Caterpiller and poler of the Common-Wealth, by exacting vpon Inholders, &c. was diſcovered, degraded from Knighthood, and baniſhed by Proclamation.*

By Parliament Sir Francis Bacon, *made by King* James *Baron,* Veralam *and Viſcount St.* Albanes, *and Lord Chancellour of* England, *very grievous to the Common wealth, by bribery, was diſcovered and diſplaced.*

By Parliament Sir Iohn Bennit *Iudge of the Prerogatiue Court, pernicious to the Common-wealth in his place, was diſcovered and diſplaced.*

By Parliament Lyonell Cranfield (*ſometimes a Merchant of* London) *made by* K. Iames *Earle of* Middleſex, *and Lord Treaſurer of* England, *hurtfull in his place to the Common-wealth, was diſcovered and diſplaced.*

By Parliament one Sir Francis Mitchell, *a jolly Iuſtice of Peace for* Middleſex *in the Suburbes of* London, *another notable Canker worme of the Common-wealth, by corruption in exacting the penall Lawes vpon poore Alehouſe-keepers and Victuallers, &c. was diſcovered, degraded from Knighthood, and vtterly diſabled for being Iuſtice of Peace.*

By Parliament Spaines *late fraud was discovered, and by Act the two Treaties, with that perfidious Nation, for the match of the Prince, our now gracious King; and restitution of the Palatinate were dissolved and annihilated: both which had cost the King and his Subjects much monie, and much blood. We may remember that that sage Counceller of State Sir* William Cecill *Lord* Butleigh *and Lord Treasurer of* England, *was oft times heard to say,* He knew not what an Act of Parliament might not doe: *which sage saying was approved by King* Iames, *and by his Majestie alleaged in one of his published speeches.*

Which being so, now the face of Christendome being at this present so torne and miserably maserated, and the Christian World distracted; the Gospell in places, almost persecuted, both Church and Common-wealth. where the Gospell is professed, in all places beyond the Seas, lying a bleeding (as we may say) and we our selves at home not without feare and danger. To conclude, what good may we not hope and pray for, by this present and other ensuing Parliaments: the onely meanes to rectifie and remedy matters in Church and Common-wealth much a misse. Amen.

Vivat Rex
Floreat Regnum
Bene valeat Parlamentum.

FINIS.

2

AN ASSERTION OF The Government of the Church OF SCOTLAND, IN

The points of Ruling-Elders, and of the Authority of Presbyteries and Synods.

3

With a Poſtſcript in anſwer to a Treatiſe lately publiſhed againſt Presbyteriall Government.

By George Gilaspey

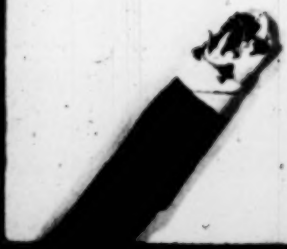
Geſta Purgat. Cæcil. & felic.

Adhibete Conclericos & Seniores plebis Eccleſiaſticos viros, & inquirant diligenter quæ ſint iſtæ diſſenſiones.

Auguſt. epiſt. 118.

Quorum (conciliorum) eſt in Eccleſia ſaluberima authoritas.

Edinburgh, Printed for *Iames Bryſon*, 1641.



TO THE READER.

IT is high time for those who have been long praying for the peace of *Hierusalem*, and with bleeding hearts have beheld the sorrowes of *Sion*, now to bestirre themselves with an extraordinary diligence, and to contribute their most serious and unceasing endeavours, for the setling of these present commotions about Church affairs, in such a manner, that the sacred twins, *Truth* and *Peace*, may both cohabit under own roofe; and that this great and good work of Reformation may not be blasted in the bud, nor fade in the flourish, but may be brought forward to that full maturity, which shall afford a harvest of joy to us, and to all the Churches of God.

One controversie there is about the government of the Church, and it is of such consequence, that were it well resolved upon, and rightly agreed, it should facilitate a right resolution in other matters which are in question. Now because *longum iter per præcepta, breve per exempla, the way is long by precepts, short by platforms*; therefore I have carefully observed the policie and government of other reformed Churches. And because the nearnesse of relation swayeth my affection at least half a thought more unto that which is *Scotlands* (*cæteris paribus*) then unto that which is more remote from us, therfore I was most solicitous to see a delineation of the government of that famously reformed neighbor Church, wch when I had read, & read over again, I did conclude with my self, that if these two points at which most exception is taken, I mean the office of ruling Elders, and the authoritie of Presbyters and Synodes, which also are things common to the other

reformed Churches) could be upon good grounds maintained, there is no other thing of any moment to be objected against it.

And with these thoughts I was so toſſed, that I could not rest satisfied with the *Quid* without the *Quare*, but did conceive as great languor and desire for a *demonstration* of that form of Church government, as before I had for a *declaration* of the same. Whereupon I have purchased to my self from *Scotland* this ensuing Treatise which having fully satisfied my owne minde in the asserting of those most controverted points, I have resolved to communicate and publish the same unto others, for the reasons following.

First, for the satisfaction of such as do through ignorance or mistaking stumble at such a form of Ecclesiasticall government: I do not much marvell to see those that are of a simple understanding, so far conquered, as to scruple the office of ruling Elders, having heard the big words and lavish expressions of some opposites against the same; yet a poor peece it is which one of them would usher in with a tinckling Epistle, in which

Bishop Hall his assertion of Episcopacie by Divine right.

Projicit ampullas & sesquipedalia verba.

He maketh offer to forfeit his life to justice, and his reputation to shame; if any living man can shew that ever there was a ruling Elder in the Christian world, till *Farell*, and *Viret* first created them. I shall not desire to take him at his word for his life, but if he be not able to give a satisfactory answer unto that which is here sayd both from Scripture, and from antiquity for ruling Elders, then hath he given sentence against his own reputation for ever. And so much the more, that having in that assertion of Episcopacie boldly averred, that the name of the Elders of the Church, in all antiquity comprehendeth none but Preachers and Divines; and that therfore none but they may be called *Seniores Ecclesiæ*, though some others happily may have the title of *Seniores populi*, because

pag. 208. 209. 221.

becauſe of their civill authority; notwithſtanding the reading of the obſervations of *Juſtellus*, and of both the *Caſſaubons*, hath now ſo farre changed his tone, that in his late anſwer to *Smectymnuus*, he acknowledgeth that beſide Paſtors and Doctors, and beſide the Magiſtrates or Elders of the Cities, there are to be found in antiquity, *Seniores Eccleſiaſtici*, Eccleſiaſticall Elders alſo; only he alleadgeth they were but as our Church-wardens, or rather as our Veſtry-men: whereas indeed they were Judges in Eccleſiaſticall controverſies, and (in ſome ſort) inſtructors of the people, as ſhall be made to appeare. Meane while we do obſerve what truſt is to be given to this bold Speaker, who hath beene forc d to yeeld, what he had before with high ſwelling words denied. Pag. 146.

Another Inſtance of the ſame kinde is to be noted in his Remonſtrance, when h: ſpeaketh of the preſcript forms of prayer, which the Jewiſh Church had ever from the dayes of *Moſes*, where with alſo *Peter*, and *John* when they went up into the Temple at the ninth hour of Prayer did joyn; to make good his allegiance, he addeth, *the forms whereof are yet extant and ready to be produced.* Yet this he handſomely eateth up in his defence; where he gives us to underſtand, that thoſe ſet forms of prayer are indeed ſpecified by *Capellus*, a writer of our owne Age; but that the book it ſelfe which contained theſe prayers, is periſhed a thouſand years ago. Well, he is now content to ſay that once thoſe forms were extant; and this (forſooth) he will prove from a certain Samaritan Chronicle in the cuſtodie of his faithfull friend the Primate of *Armach*; wherein he hath found a ſtory which tranſporteth him as much as the invention of the demonſtration did *Archimedes*, when he cried *ἑύρηκα, ἑύρηκα, I have found it, I have found it.* Yet—*credat Judæus apella, Non ego*—But this lyeth not now in my way. Only (till a full anſwer be ready, I thought it not amiſſe to give ſome taſte of the mans vaine arrogant humour, whoſe beſt Pag. 11. Pag. 17. 18.

weapons are great words. As for his laſt record which he fetcheth from *Abrahamus Scultetus*, againſt ruling Elders; all that and much more hath been, and here ſhall be abundantly confuted.

Others there be who call in queſtion the power and authority of Eccleſiaſticall Presbyteries, and of Synods, againſt which alſo ſome few Pens have been put to paper and have paſſed a cenſure no leſſe hard then unſeaſonable, which (me thinks) might well have been ſpared, unleſſe there had been ſtronger and more convincing reaſons for it. Theſe I ſhall beſeech, that with minds voyd of prejudice, they take into conſideration the ſecond part of this Treatiſe, written with no heat nor ſharpneſſe of words, but with plainneſſe, and ſtrength of reaſon: And withall I ſhall expect that they will not think the worſe of the Author, for being ready to anſwer him that asketh a reaſon of him, or for writing a juſtification of the government of the Church of *Scotland*, to ſuch as did deſire to be more throughly reſolved concerning the ſame; but that rather they will make uſe hereof, as a key by divine Providence put into their hands, to open a doore unto further light.

Secondly, there is ſo much the more reaſon for aſſerting thoſe two points, by how much they have beene mainly oppoſed by Sathan; for he it was whoſe cunning conveyance of old, made the office of ruling Elders to come into deſuetude, through the ſloth, or rather the pride of the Teachers, as *Ambroſe* complaineth; and yet time hath not ſo obliterate that ancient order, but that the footſteps of the ſame are yet to be ſeen in our Officialls, Chancellors, Commiſſaries, Church-wardens, and High-Commiſſion men, yea at *Rome* it ſelfe, in the Cardinalls. The ſame old Serpent it was whoſe inſtigation made *Licinius* whiles he did intend the totall ruine of the Church, to fall upon this as the moſt effectuall means for his purpoſe, that he ſhould ſtraightly inhibit all counſells, meetings,

In 1 Tim. 5.

and

and conferencies concerning the affairs of the Church. By which meanes the Christians of his time were drawne into one of two snares. *Aut enim legem, &c. for* saith *Eusebius*, *either it behoved us to be obnoxious to punishment by violating the Law, or to overthrow the Rites and Ordinances of the Church, by giving obedience in that which the Law did command: for great and waighty deliberations undertaken about things controverted, cannot proceed in any other manner or way, but by the right managing of Councels.* The *Arminians* in the *Netherlands*, found out another of Sathans wiles; they were not able to hinder the assembling of a free and lawfull Synod, but for their next best, they required of the Synod of *Dort* twelve conditions, and the ninth was; that there should not be in that Synod any determination or decree concerning the matters in controversie, but only an accommodation or conference, and that still it should be free to the particular Churches, to accept, or to reject the judgement of the Synod: this was a way of endlesse controversie, and justly cried down in the Synod.

De vita Const. lib. 1. cap. 44.

Vide Act. Syn. Dord. Sess. 25.

Moreover, Satan ever wise in his own principles, finding the Church of *Scotland*, like an invincible *Sampson*, by reason of such a constitution and government, as being preserved in integritie, could neither admit heresie, nor schisme, did make use of the Prelatie as his traiterous *Dalilah*, to betray that *Sampson*, into the hands of the now adverse *Philistines* the Papists, by stealing away both their ruling Elders, and the authority of their Presbyteries, and Synods: for he had well observed, that in these two things did their great strength lye, and that without these two, the Ministers of the Word being like so many *stupe dissolutæ*, both sparsed, and by themselves alone might easily be brought under the yoke. When thus the Romish-affected *Dalilah* had taken away their strength from them, she was bold to utter her insolent voice in the Service-book, and book of Canons, *The Philistines be upon*

thee

thee *Sampſon*, The Papiſts be upon thee *Scotland*. In this caſe they did not (as *Sampſon* then) preſume that the Lord was with them as at other times; they knew he was departed from them: They cried out, *Return we beſeech thee O God of Hoſts, look down from Heaven, behold and viſit this Vine, and the Vineyeard which thine own right hand hath planted.* They did again *aſk the way to Sion with their faces thitherward, ſaying come, and let us joyn our ſelves to the Lord in a perpetuall Covenant that ſhall not be forgotten.* And now (glory be to the great Name of God, in the Church throughout all generations) they have by his healing hand quickly recovered their ſtrength. Strength I may well call it, for ſayth a learned Divine, as in things which are done by bodily ſtrength, ſo in things which are managed by counſells, *vis unita fortior*, power being put together is the ſtronger: and in this he doth agree with *Bellarm.*; that though God by his abſolute power can preſerve his Church without Synods; yet according to ordinary providence, they are neceſſary for the right government of the Church. The interweaving and combining of ſtrength, by joyning the ruling Elders of every Congregation, with the Paſtor, or Paſtors thereof into a particular Elderſhip, by joyning alſo Commiſſioners, Paſtors, and Elders, from many particular Elderſhips, ordinarily into a claſſicall Presbytery, and more ſolemnly provinciall Synod. Finally, by joyning Commiſſioners, Paſtors, and Elders, from many claſſicall Presbyteries, into a Nationall Aſſembly; this doth indeed make a Church *beautifull as Tirza, comely as Jeruſalem, terrible as an Armie with Banners.*

Pſal. 80 14 15.

Ier. 50. 5.

Whittak contr. 3. de concil. queſt 1.

Cant. 6. 4.

It is not to be expected, but this forme of Church government, ſhall ſtill be diſliked by ſome (whoſe diſlike ſhall notwithſtanding the more commend it to all pious minds) I mean by prophane men, who eſcape not without cenſure under Presbyteries, and Synods, as they did under the Prelacie; by hereticks, who cannot finde favour

vour with a Nationall Synod of many learned and godly men, as they did with a few Popish Prelats: by Matchavellians also, who do foresee that Presbyteriall Synodicall government, being conformed not to the Lesbian rule of humane authority, but to the inflexible rule of Divine Institution, will not admit of any Innovations in Religion, be they never so conduceable to politicall intentions.

Psal. 64 3.

Some there be *who whet their tongue like a sword, and bend their bowes to shoot their arrows, even bitter words.* They would wound both the office of ruling Elders, and the authority of Presbyteries and Synods, with this hateful imputation, that they are inconsistent with the honor and Prerogative of Princes. Sure I am, when our Saviour saith, *Render unto Cæsar the things which are Cæsars, and unto God the things which are Gods*; he doth plainly insinuate, that the things which are Gods, need not to hinder the things which are Cæsars. And why shall it be forgotten, that the Prelates did assume to themselves all that power of determining controversies; making Canons, ordaining, suspending, deposing, and excommunicating, which now Presbyteries and Synods do claime as theirs by right. To me it appeareth a grand mistery, and worthy of deliberation in the wise Consistory of *Rome*: That the power of Presbyteries and Synods being meerly Ecclesiasticall, being rightly used, and nothing incroaching upon the civill power, is notwithstanding an intollerable prejudice to Kings and Princes. But the very same power in Prelates, though both abused, and mixed with civill power, is not (for all that) prejudiciall to Soveraignty.

Mat. 22. 21.

Yet if the fear of God cannot mollifie the tongues of these men, one would think that they should be brideled with respect to the Kings most excellent Majestie, who hath been graciously pleased to approve and ratifie the present government of the Church of *Scotland*, perceiving (I

trust)

truth) that Gods honour, and his honour, Gods Lawes, and his Lawes may well subsist together.

Lastly, as in publishing this assertion I intend to satisfie the scrupulous, and to put to silence the malicious; so also to confirm the consciences of such as are friends and favourers to the right way of Church government. *Whatsoever is not of faith is sin*, saith the Apostle, yea though it be in a matter otherwise indifferent: how much more is it necessary that we walk not in our judgement concerning the government of the Church, but walk straight, in the plerophory and full assurance of the same, from the warrants of the word of God; I say againe from the warrants of the word of God, for as it is not my meaning to commend this forme because it is *Scotlands*, so I hope assuredly that my Country-men will not dispise Gods Ordinance, because it is *Scotlands* practice, but rather follow them in so far as they follow Christ and the Scripture. This therefore I pray, that thy love may abound yet more and more, in knowledge and in all judgement, that thou maiest approve the things that are excellent. *Consider what I say, and the Lord give thee understanding in all things*, Amen.

Rom. 14 23.

Phil. 1. 9.

2. Tim. 2, 7.

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Of

The first part,

CONCERNING RVLING ELDERS.

CHAP. I.

Of the words Elder, Lay Elder, Ruling Elder.

THE word *Elder* answereth to *Zaken* in the Hebrew, & πρεσβύτερος in the Greek. It hath foure different significations, 1. It noteth Age. 2. Antiquity. 3. Venerability. 4. An office. In the first signification, *Elder* is opposed to younger, as 1 *Tim.* 5. 1. *Rebuke not an*

Elder, but intreat him as a father, & the younger men as brethren, 1 Pet. 5.5. *Likewiſe ye younger ſubmit your ſelves unto the Elder.* In this ſenſe was the Apoſtle *Iohn* called *the Elder*, becauſe hee outlived the other Apoſtles, 2 *Iohn* 1. and 3. verſ. 1. In the ſecond ſignification *Elder* is oppoſed to *Moderne*, *Mat.* 15. 2. *Why doe thy Diſciples tranſgreſſe the tradition of the Elders.* That is, *of them of old time*, *Mat.* 5.21. In the third ſignification we finde the word, *Iſa.* 3. where the Lord ſaith, that he would take away from Iſrael *the prudent and the ancient*, *vezaken*; that is, the worthies among them, and ſuch as were reſpected for wiſedome. The ſame word, (and peradventure in the ſame ſenſe) is turned Elder, Exod. 2.16. *Eth-zakne Iſrael, the Elders of Iſrael.* So the Spaniſh *Seijor*, the French *Seigneur*, the Italian *Signore*, all comming from the Latine *Senior*, ſignifie a man of reſpect, or one venerable for dignity, gifts, prudence, or piety. Contrariwiſe, men of no worth, nor wiſedome, men deſpicable for lacke of gifts and underſtanding, are called *Children*, Iſa. 3.4. 12. Epheſ. 4.14. But it is the fourth ſignification which we have now to do withall, and ſo an Elder is a ſpirituall officer, appointed by God, and called to the government of the Church, Acts 14. 23. *When they had*

by

by voyces made them Elders in every Church. They have the name of Elders, because of the maturity of knowledge, wisedome, gifts and gravity, which ought to be in them: for which reason also the name of *Senators* was borrowed from *Senes.*

Before we come to speake particularly of those Elders of which our purpose is to treat, it is fit we should know them by their right name, lest wee nick-name and mis-call them. Some reproachfully and others ignorantly call them Lay Elders. But the distinction of the Clergie & Laity, is Popish and Antichristian; and they who have narrowly considered the records of ancient times, have noted this distinction as one of the grounds whence the mystery of iniquity had the beginning of it. The name of Clergie appropriate to Ministers, is full of pride and vaine-glory, and hath made the holy people of God to be despised, as if they were prophane and uncleane in comparison of their Ministers. *Gerard* likeneth those who take to themselves the name of the Clergie, to the Pharisees, who called themselves by that name: for that their holinesse did separate them from the rest of the Jewes: for this Etymologie of the name *Pharisee*, hee citeth *Tertullian, Origen, Epiphanius, Ambrose*, and confirmeth it from

Catal. test. verit. lib. 2. col. 98. Oland. cent. 1. p. 81.

Loc. theol, t. 6. n. 37.

Luke 18.10. Hence was it that ſome Councels diſcharged the Laity from preſuming to enter within the Quire, or to ſtand among the Clergie neere the Altar. Two reaſons are alleadged why the Miniſters of the Church ſhould bee called κλῆρος. Firſt, becauſe the Lord is their Inheritance: ſecondly, becauſe they are the Lords inheritance. Now both theſe reaſons doe agree to all the faithfull people of God: For there is none of the faithfull, who may not ſay with *David*, *Pſal.* 16.5. *The Lord is the portion of my inheritance*, and of whom alſo it may not bee ſaid, that they are the Lords inheritance, or lot: for *Peter* giveth this name to the whole Church, 1 Pet.5.3. Where (if it were needfull) we might challenge Biſhop *Hall*, who borroweth a gloſſe from *Bellarmine* and *Gregorius de Valentia*, telling us, that *Peter* chargeth his fellow Biſhops not to dominier over their Clergie; ſo ſhutting out of the Text, both the duty of Paſtors, becauſe the Biſhops onely are meant by Elders, and the benefit of the people, becauſe the inferiour Paſtors are the Biſhops flocke, according to this gloſſe: for *Peter* oppoſeth the *Lording over the* κλῆρος, to *being enſamples to the Flocke*. Surely, if this Popiſh Gloſſe bee true, Proteſtants in their Commentaries and Sermons, have

Synod. Turon. 2. Can. 3. Syn. Conſtant. 6. can. 69.

Of Epiſcop. by divine right, pag. 212.

have gone wide from that Text. But *Matthias* the Apostle was chosen by lot. What then? By what reason doth the Canon law draw from hence a name common to all the Ministers of the Gospell? Let us then banish from us such Popish names, and send them home to Rome. *Bellarmin* thought we had done so long ere now: for he maketh this one of his controverted heads: Whether wee may rightly call some Christians the Clergie, and others the Laity, or not, ascribing the negative to Protestants, the affirmative to the Church of Rome. Act. 1. 26. d. 21. ca. cleros. De cleric. lib. 1. cap. 1.

Yet beside the Clergy and the Laity, Papists hold that there is a third sort in the Church distinct from both, whom they call *Regulares*. These are such of their religious orders, as are not taken up with contemplation alone (like the Monkes) but with action; such as the Dominicans, Franciscans, &c. Who helpe and assist the Clergy in their Ecclesiasticall imployments, though they themselves bee not admitted into any particular charge in the Church. Now hee who will needs side with the Papists in the distinction of Clergy and Laity, may also with them admit a third member of the distinction, and make ruling Elders of that sort; especially since the reason why the re- Bell. præfat. ante lib. de cleric. Bell. lib. 2. de mon. cap. 1.

gular Chanoins are assumed as helpers to Parish Priests, is, *propter multitudinem fidelis populi, & difficultatem inveniendi curatos sufficientes & idoneos*, saith Cardinall *Cajetan*, adding further, *male consultum populo Christiano invenitur sine hujusmodi supplemento.* Which reasons agree well to ruling Elders. For 1. Parishes containe so many, that the Minister cannot oversee all, and every one without helpe. 2. Sufficient and fit Ministers shall hardly bee every where found. 3. It is found by experience, that sinne and scandall are never well taken heede to, and redressed, where ruling Elders are not. To let all this passe, if any man will needs retaine the name of Lay Elders, yet saith *Gersomus Bucerus*, What aspersion is that to our Churches? is it any other thing then that which Papists object to us for admitting Lay men into Councels? They who have place in the highest and most supreame assemblies of the Church, wherein the weightiest matters are determined, ought much more to be admitted into inferiour meetings, such as Presbyteries are.

In 1. 2. 4. 88. art. 4.

De gub. eccl. pag. 28.

But if we will speake with Scripture, wee shall call them *Ruling Elders*, *Rom.* 12. 8. *he that ruleth*, 1 *Tim.* 5. 17. *Elders that rule well.* They are called ruling Elders, *non quia soli*

soli sed quia solum præsunt. Pastors rule the Church even as they doe; but Pastors doe something more, from which they may bee designed. Whereas the Elders of which wee are to speake, have no other imployment, which can give them a designation, except the ruling of the Church onely. That wicked railer *Lisimachus Nicanor*, who assumed the name, but forgot to put on the vizorne of a Jesuit, in his congratulatory (I should say calumniatory) Epistle pag.61. alledgeth that they are called ruling Elders, because the Ministers are their ruled Elders. If he were a Jesuit, he may remem ber that in their own society, besides their P riests, Doctors, Preachers, Confessionaries, &c. They have also *Rectores*, or *Regentes*; whose office it is to see the rules of their order kept, to observe the behaviour of every one, & when they perceive any seeds of Heresie, to signifie the same to the Provinciall, and hee to the Generall. Yet are these *Rectores* among the lowest rankes of their officers, so that Jesuites need not stumble when wee call our Eldersruling Elders.

M. Elias Hasenmullerus. Hist. ordin. Jes. pag. 68.

CHAP.

CHAP. II.

Of the function of Ruling Elders, and what sort of Officers they be.

Lib. 4. dist. 4. NOtwithstanding, of all the multiplicity of Popish orders, yet *Peter Lombard* treading the vestiges of the primitive simplicity, did observe that the Apostles left only two sacred orders to bee perpetuall in the Church, the order of Deacons, & the order of Elders. The administration of Deacons is exercised about things bodily. The administration of Elders about things spirituall. The former about the goods: the latter about the government of the Church. Now Elders are of three sorts. 1. Preaching Elders, or Pastors. 2. Teaching Elders or Doctors. 3. Ruling Elders. All these are Elders, because they have voice in Presbyteries, and all assemblies of the Church, and the government of the Church is incumbent to them all: not onely to the Pastor and Elder, but to the Doctor also. The Bishop of *Dune* in his *examen conjurationis Scotica*, p. 35. alledgeth, that our Church of *Scotland* did never yet determine whether Doctors and Deacons have right of voycing in the Consistories & Assembles

Assemblies of the Church. But had he read our booke of Policie, hee might have found, that it excludeth Deacons from being members of Presbyteries and Assemblies, Cap. 8. but admitteth Doctors into the same, Cap. 9. *The Doctor being an Elder, as said is, should assist the Pastor in the government of the Kirke; and concurre with the Elders, his brethren, in all Assemblies, by reason the Interpretation of the Word, which is onely Iudge in Ecclesiasticall matters, is committed to his charge.* But they differ, in that the Pastor laboureth in the word of exhortation, that is, by the gift of wisedome applieth the word to the manners of his flocke, and that in season and out of season, as he knoweth their particular cases to require. The Doctor laboureth in the word of Doctrine, that is, without such applications as the Pastor useth, by simple teaching he preserveth the truth and sound interpretation of the Scriptures, against all heresie and error. The ruling Elder doth neither of these, but laboureth in the government and policie of the Church onely. The Apostle hath distinguished these three sorts of Elders, 1 Tim. 5. 17. *Let Elders that rule well be counted worthy of double honour, especially they who labour in the Word and Doctrine.* Where, as *Beza* noteth, hee distinguisheth *the Word,*

 which

which is the Paſtors part, from *Doctrine*, which is the Doctors part. Even as Rom. 12. 7. 8. hee diſtinguiſheth teaching from exhortation: and 1 Cor. 12. 8. putteth *the word of wiſedome*, and *the word of knowledge* for two different things. Now beſide thoſe Elders which labour in the Word, and thoſe which labour in Doctrine, *Paul* ſpeaketh to *Timothy* of a third ſort of Elders, which labour neither in the Word nor Doctrine, but in ruling well. Hence it appeareth, how truely the Booke of Policie, Cap. 2. ſaith, That there are foure ordinary, perpetuall, and neceſſary Offices in the Church, the office of the Paſtor, the Doctor, the Elder, and the Deacon: and that no other office, which is not one of theſe foure, ought to bee received, or ſuffered in the Church.

But when we ſpeake of Elders, *Non perſonatos, &c. we will not have diſguiſed and hiſtrionicall men, puffed up with titles, or idols dead in ſinnes, to be meant, but holy men, who being indued with faith in God, and walking in his obedience, God authoriſing them, and the Church his Spouſe chuſing and calling them, undertake the government thereof, that they may labour to the conſervation and edifica-*
Eccleſ. l. 2. c. 3. *tion of the ſame in Chriſt*, ſaith *Iunius*. A ruling Elder ſhould pray for the Spirit and gifts

of his calling, that hee may doe the duties of his calling, and not bee like him that played the Souldan, but a Souter; hee muſt doe his office neither ὑποκριτικῶς and *pro forma*, hee himſelfe being *Parcus Deorum cultor & infrequens*; nor ἐριστικῶς, doing all through contention and ſtrife about particulars. *Si duo de noſtras tollas pronomina rebus, prælia* (I may ſay *Iurgia*) *ceſſarent, pax ſine lite foret*: Nor δεσποτικῶς, Empiring and Lording among his bretharen and fellow Elders; *Whoſoever will bee great among you, let him bee your miniſter; and whoſoever will bee chiefe among you, let him be your ſervant*, ſaith the onely Lord and Head of the Church: Nor yet ἀγαπητικῶς, ſetting himſelfe only to do a pleaſure, or to get preferment to ſuch as he favoureth; Nay, nor νομοθετικῶς, onely by eſtabliſhing good orders, and wholeſome lawes in the Church, but he muſt carry himſelfe ὑπηρετικῶς, ſerviceably and miniſterially: for as his Function is *Officium* and *Iuriſdictio*, ſo it is *Munus*, a burdenſome ſervice and charge laid upon him.

Meum & tuum.

Matth. 20. 26. 27.

That a ruling Elder may bee ſuch a one as hee ought to bee, two ſorts of duties are requiſite, *viz.* duties of his Converſation, and duties of his Calling. The duties of his converſation are the ſame which the Apoſtle

1. Tim. 3. 2. 3. 4. 5. 6. 7. &c. 6. 11. Tit. 1. 6. 7. 8. *Paul* requireth in the converſation of the Miniſter of the Word, That he bee blameleſſe, having a good report, not accuſed of riot, or unruly, vigilant, ſober, of good behaviour, given to hoſpitality, a lover of good men, juſt, holy, temperate, not given to wine, no ſtriker, not greedy of filthy lucre, not ſelfe-willed, not ſoone angry, but patient, not a brawler, not covetous, one that ruleth well his owne houſe, having his children in ſubjection, with all gravity, one that followeth after righteouſneſſe, godlineſſe, faith, love, patience, meekneſſe, &c. Theſe and ſuch like parts of a Chriſtian and exemplary converſation, being required of Paſtors, as they are Elders, belong unto ruling Elders alſo. This being plaine, let us proceed to the duties of their calling.

For the better underſtanding whereof, we will diſtinguiſh with the Schoole-men, a two-fold power; the power of Order, and the power of Juriſdiction; which are different in ſundry reſpects. 1. The power of Order comprehendeth ſuch things as a Miniſter by vertue of his ordination, may doe without a commiſſion from any Presbyterie, or Aſſembly of the Church, as to preach the Word, to miniſter the Sacraments, to celebrate marriage, to viſite the ſicke, to catechiſe,

catechiſe, to admoniſh, &c. The power of Juriſdiction comprehendeth ſuch things as a Miniſter cannot doe by himſelfe, nor by vertue of his ordination; but they are done by a Seſſion, Presbytery, or Synod; and ſometimes by a Miniſter, or Miniſters, having Commiſſion, and authority from the ſame, ſuch as ordination and admiſſion, ſuſpenſion, deprivation and communication, and receiving againe into the Church, and making of Lawes and Conſtitutions Eccleſiaſticall and ſuch like; whereof we boldly maintaine, that there is no part of Eccleſiaſticall Juriſdiction, in the power of one man, but of many met together in the name of Chriſt. 2. The power of Order is the radicall and fundamentall power, and maketh a Miniſter ſuſceptive, and capable of the power of Juriſdiction. 3. The power of Order goeth no further then the Court of Conſcience; the power of Juriſdiction is exerciſed in Externall and Eccleſiaſticall Courts. Fourthly, the power of Order is ſometime unlawfull in the uſe, yet not voide in it ſelfe. The power of Juriſdiction when it is unlawfull in the uſe, it is alſo voide in it ſelfe. If a Miniſter doe any act of Juriſdiction, as to excommunicate, or abſolve without his owne pariſh, wanting alſo the conſent

of the Miniſtery and Elders of the bounds where he doth the ſame, ſuch acts are voide in themſelves, and of no effect. But if without his owne charge, and without the conſent aforeſaid, hee baptiſe an infant, or doe any ſuch thing belonging to the power of Order, though his act be unlawfull, yet is the thing it ſelfe of force, and the Sacrament remaineth a true Sacrament.

Now to our purpoſe. We averre that this twofold power of Order and of Juriſdiction belongeth to ruling Elders as well as to Paſtors. The power of Juriſdiction is the ſame in both; for the power and authority of all Juriſdiction belongeth to the Aſſemblies, and repreſentative meetings of the Church, whereof the ruling Elders are neceſſary conſtituent members and have the power of deciſive voycing no leſſe then Paſtors. Howbeit the execution of ſome decrees enacted by the power of Juriſdiction belongeth to Miniſters alone, for Paſtors alone exerciſe ſome acts of Juriſdiction, as impoſition of hands, the pronouncing of the ſentence of excommunication, the receiving of a penitent, &c. Are not theſe things done in the name and authority of ſome Aſſembly of the Church, higher or lower? Or are they any other then the executions of the decrees and ſentences

ſentences of ſuch an Aſſembly wherein ruling Elders voyced. The power of Order alone ſhall make the difference betwixt the Paſtor and the ruling Elder; for by the power of Order, the Paſtor doth preach the Word, miniſter the Sacraments, pray in publike, bleſſe the Congregation, celebrate mariage, which the ruling Elder cannot. Therefore it is falſly ſaid by that railing *Rabſhakeh* (whom before I ſpoke of) Ep. pag. 7. That the ruling Elders want nothing of the power of the Miniſter, but that they preach not, nor baptiſe in publike congregations: yet other things which the Paſtor doth by his power of Order, the ruling Elder ought alſo to doe by his owne power of Order. And if we would know how much of this power of Order is common to both, let us note that Paſtors doe ſome things by their power of Order, which all Chriſtians ought to doe by the law of Charity. Things of this ſort a ruling Elder may and ought to doe by his power of Order, and by vertue of his election and ordination to ſuch an office. For example, every Chriſtian is bound in Charity to admoniſh and reprove his brother that offendeth; firſt, privately, then before witneſſes; and if he heare not, to tell it to the Church, Levit. 19.17. Matth. 18.15.16.17.

This

This a ruling Elder ought to doe by vertue of his calling, and with authority, 1 Theſſ. 5.12. Private Chriſtians ought in Charity to inſtruct the ignorant, Joh.4.29. Act.18.26. to exhort the negligent, Heb.3.13.& 10.24 25. to comfort the afflicted, 1 Theſſ. 5.11. to ſupport the weake, 1 Theſſ. 5.14. To reſtore him that falleth, Galat.6.1. to viſite the ſicke, Matth. 25.36.40. to reconcile thoſe who are at variance, Matth. 5.9. to contend for the truth, and to anſwer for it, *Iude* v.3. 1 Pet.3.15. All which are incumbent to the ruling Elder by the authority of his calling. To conclude then, the calling of ruling Elders, conſiſteth in theſe two things. 1. To aſſiſt and voyce in all Aſſemblies of the Church, which is their power of juriſdiction. 2. To watch diligently over the whole flock all theſe wayes which have been mentioned, and to doe by authority that which other Chriſtians ought to doe in charity, which is their power of order. And the Elder which neglecteth any one of theſe two whereunto his calling leadeth him, ſhall make anſwer to God for it. For the Word of God, the Diſcipline of this Kirke, the bonds of his owne calling and covenant, doe all binde ſinne upon his ſoule, if either hee give not diligence in private, by admoniſhing all men of their dutie,

duty as the caſe requireth; or if he neglect to keepe either the Eccleſiaſticall Court and Conſiſtory within the Congregation where his charge is, or the Claſſicall Presbyterie, and other Aſſemblies of the Church, which he is no leſſe bound to keepe then his Paſtor, when he is called and deſſigned thereunto.

CHAP. III.

The firſt Argument for ruling Elders, taken from the Iewiſh Church.

HAving ſhewed what ruling Elders are, it followeth to ſhew Scripture and Divine right for them. Our firſt Argument is taken from the governement and pollicy of the Jewiſh Church thus: Whatſoever kinde of office-bearers the Jewiſh Church had; not as it was Jewiſh, but as it was a Church, ſuch ought the Chriſtian Church to have alſo. But the Jewiſh Church, not as it was Jewiſh, but as it was a Church, had Elders of the people, who aſſiſted in their Eccleſiaſticall govetnment, and were members of their Eccleſiaſticall Conſiſtories. Therefore

ſuch ought the Chriſtian Church to have alſo. The Propoſition will no man call in queſtion; for, *quod competit alicui qua tali competit omni tali.* That which agreeth to any Church as it is a Church, agreeth to every Church. I ſpeake of the Church as it is a politicall body, and ſetled Eccleſiaſticall Republike. Let us ſee then to the Aſſumption. The Jewiſh Church, not as it was a Church, but as it was Jewiſh, had an high Prieſt, typifying our great high Prieſt Jeſus Chriſt. As it was Jewiſh, it had Muſitians to play upon Harpes, Pſalteries, Cymbals, and other Muſicall Inſtruments in the Temple, 1 Chron. 25. 1. concerning which, hear *Bellarmines* confeſſion, *de bon. oper. lib.* 1. *cap.* 17. *Iuſtinus ſaith, that the uſe of inſtruments was granted to the Iewes for their imperfection: and that therefore ſuch inſtruments have no place in the Church. Wee confeſſe indeed that the uſe of muſicall inſtruments agreeth not alike with the perfect, and with the imperfect, and that therefore they beganne but of late to be admitted in the Church.* But as it was a Church, and not as Jewiſh, it had foure ſorts of ordinary office-bearers, Prieſts, Levites, Doctors, and Elders, and we conformablie have Paſtors, Deacons, Doctors, and Elders. To their Prieſts and Levits, *Cyprian* doth

Lib. 1. Ep. 9.

doth rightly liken our Paſtors and Deacons, for howſoever ſundry things were done by the Prieſts and Levites, which were typicall and Jewiſh onely; yet may we well parallell our Paſtors with their Prieſts, in reſpect of a perpetuall Eccleſiaſticall office common to both, *viz.* the Teaching and governing of the people of God, Mal. 2.7. 2 Chron. 19.8. and our Deacons with their Levits, in reſpect of the cure of Eccleſiaſticall goods, and of the work of the ſervice of the houſe of God in the materialls and appurtenances thereof, a function likewiſe common to both, 1 Chro. 26. 20. & 23. 24. 28. The Jewiſh Church had alſo Doctors and Schooles, or Colledges for the preſervation of true Divinity among them, and of tongues, arts, and ſciences, neceſſary thereto, 1 Chron. 15. 22. 27. 2 King. 22. 14. 1 Sam. 19. 20. 2 Kings 2. 3. 5. Act. 19. 9. Theſe office-bearers they had for no typicall uſe, but wee have them for the ſame uſe and end for which they had them. And all theſe ſorts of office-bearers among us wee doe as rightly warrant from the like ſorts among them as other whiles wee warrant our baptizing of Infants from their circumciſing of them, our Churches by their Synagogues, &c.

Iun. Eccleſ. lib. 2. cap. 5. Moſ. and Aaron. ii. 2. 62. Alſted. Theſau. Chro. pag. 265. Fernerus. Theol. lib. 7. pag. 151. 152. Martyr. loc. com. claſſ. 4. cap. 1. p. 745.

Now that the Jewiſh Church had alſo

ſuch Elders as wee plead for, it is manifeſt: for beſides the Elders of the Prieſts, there were alſo Elders of the people joyned with them in the hearing and handling of Eccleſiaſticall matters, Jer. 19. 1. *Take of the ancients of the people, and of the ancients of the Prieſts.* The Lord ſending a meſſage by the Prophet, would have a repreſentative body of all Judah to be gathered together for receiving it, as *Tremellius* noteth. So 2 Kings 6. 32. *Eliſha ſate in his houſe, and the Elders ſate with him.* We read, 2 Chron. 19. 8. That with the Prieſts were joyned ſome of the chiefe of the Fathers of Iſrael, to judge Eccleſiaſticall cauſes and controverſies. And howſoever many things among the Jewes in the latter times, after the captivity, did weare to confuſion and miſorder, yet we finde even in the dayes of Chriſt, and the Apoſtles, that the Elders of the people ſtill ſate and voyced in Councell with the Prieſts, according to the ancient forme, as is cleare from ſundry places of the new Teſtament, Matth. 16. 21. and 21. 23. and 26. 57. 59. and 27. 1. 12. Mark 14 43. Luke 22. 66. Acts 4. 5. This is alſo acknowledged by the Roman Annaliſt *Baronius*, who confeſſeth further, That as this was the forme among the Jewes, ſo by the Apoſtles was the ſame forme obſerved in

Anno 58. n. 10.

in their times, and Seniors then admitted into Councels. *Saravia* himſelfe, who diſputeth ſo much againſt ruling Elders, acknowledgeth what hath been ſaid of the Elders of the Jewes, *Seniores quidem invenio in Conſeſſu Sacerdotum veteris Synagoga, qui Sacerdotes non erant. I finde indeed* (ſaith hee) *Elders in the Aſſembly of the Prieſts of the old Synagogue, which were not Prieſts. Et quamvis paria eorum eſſent ſuffragia & authoritas in omnibus judiciis, cum ſuffragiis Sacerdotum, &c. And although* (ſaith hee) *their ſuffrages and authority in all judgements were equall with the ſuffrages of the Prieſts, &c.* But what then, thinke yee, hee hath to ſay againſt us? Hee ſaith, that the Elders of the Jewes were their Magiſtrates, which in things pertaining to the externall government of the Church, ought not to have been debarred from the Councell of the Prieſts, more then the Chriſtian Magiſtrate ought now to bee debarred from the Synods of the Church. Now to prove that their Elders were their civill Magiſtrates, hee hath no better argument then this, That the Hebrew word *Zaken*, which is turned Elder, importeth a chiefe man, or a Ruler. We anſwer, Firſt, this is a bold conjecture which hee hath neither warranted by divine nor by humane teſtimo-

De diverſ. grad. miniſt. Evang. cap. 11. p. 108.

Ibid. p. 118.

Ibid. p. 108. 118.

nies. Secondly, *Zaken* doth not ever signifie a Ruler, or a man in authority, as we have shewed before. Thirdly, let us grant *Zaken* to bee a name of dignity, and to import a chiefe man; yet a chiefe man is not ever a Magistrate, nor a Ruler. It would onely follow that they were of the chiefe of the fathers of Israel that were joyned with the Priests in the Sanedrim, and so it was, 2 Chron. 19.8. *Non hercle de plebe hominum lecti sed nobilissimi omnes*, saith *P. Cunæus.* They were, saith *Loc. Theol. to. 6. §.28. Proceres tribuum qui allegabantur una cum sacerdotibus & scribis in sacrum synedrium.* Fourthly, they who were so joyned in Councell with the Priests, 2 Chron. 19.8. are plainely distinguished from the Judges and Magistrates, vers. 11. And so are the Princes & Rulers distinguished from the Elders, Act. 4.5. Judg.8.14. Deut.5.23. Jos.8.33. Fifthly, we would know whether he thought that all the Magistrates of the Jews sate in Councel with the Priests, or some of them onely: if some only, we desire either proofe or probability who they were, and how many; if all, then should wee by the like reason admit not the supreame Magistrate alone (which hee seemeth to say) into the Synods of the Church, but all Magistrates whatsoever, and what

De repub. Jud. lib. 1. c. 12.

what a confuſion ſhould that bee? Sixthly thoſe Elders that ſate in the civil Sanedrim, were Rulers by their ſitting there; but the Elders which ſate in the Eccleſiaſticall Sanedrim, either were not civill Magiſtrates, or at leaſt ſate not there as Magiſtrates. So do our Magiſtrates ſometimes ſit with us, as members of our Aſſemblies, not as Magiſtrates, but as Elders. Of the diſtinction of thoſe two Courts, which every one obſerveth not, we ſhall ſpeake more afterward.

We have ſaid enough againſt *Saravia*, but *Bilſon* doth better deſerve an anſwer, who alledgeth more ſpecious reaſons to prove, that the Elders of the Jewes were their civill Magiſtrates. Hee ſaith, There was no Senate nor Seniors among the Jewes, but ſuch as had power of life and death, of impriſonment, confiſcation, baniſhment, &c. which hee maketh to appeare thus: In the dayes of *Ezra* the puniſhment of contemners was forfeiture of their ſubſtance, and ſeparation from the congregation, *Ezra* 10. 8. The triall of ſecret murther was committed to the Elders of every City, Deut. 21. 3. 4. They delivered the wilfull murtherer unto the Avenger of bloud, to be put to death, Deut. 19. 12. They condemned a ſtubborne ſonne to death, Deut. 21. 19. They chaſtened a man

man who had ſpoken falſly of his wife, that hee found her not a virgin, Deut. 22. 15. 16. 18. *Anſ.* Firſt, if it ſhould bee granted, that the Elders ſpoken of in theſe places, were civill Magiſtrates, this proveth not that there were no Eccleſiaſticall Elders among the Jewes. *Iuſtellus* in his Annotations upon the Booke of the Canons of the African Church, diſtinguiſheth betwixt the civill Elders mentioned, Can. 91. who were called *Seniores locorum*, or *Vrbium*: and the Eccleſiaſticall Elders mentioned, Can. 100. who were called, *Seniores Eccleſiæ*, and *Seniores Plebis*: the former name diſtinguiſhing them from the civill Elders, the latter diſtinguiſhing them from Preaching Elders. So there might be the ſame two ſorts of Elders among the Jewes. And what then? It is enough for us that wee finde in the Jewiſh Church, ſome Elders joyned with the Prieſts, & employed in things Eccleſiaſticall. The Elders and Prieſts are joyned together both in the new Teſtament, as Matth. 26. 59. *the chiefe Prieſts and Elders*; ſo in other places before cited: And likewiſe in the old Teſtament, Exod. 24. 1. *Come up unto the Lord, thou and Aaron, Nadab and Abihu, and ſeventy of the Elders of Iſrael*, Deut. 27. 1. *Moſes with the Elders*, compared with verſ. 9. *Moſes and the Prieſts*,

Bertram de Pol. Jud. cap. 16. ſaith, that theſe Elders did continue among the ten Tribes, even after the defection of Jeroboam. Seniores erant qui in mores & vitam piorum virorum, &c. Inquirebant & reprehenſionibus cenſurisq; Eccleſiaſticis animadvertebant. Horum Seniorum & reliquæ Eccleſiæ cœtus & actiones moderabantur Prophetæ: ut ut ad Prophetæ domum aliquando Seniores convenirent, 2 Reg. 6. 32.

Prieſts. Ezech. 7.26. *The Law ſhall periſh from the Prieſt, and counſell from the ancients*, Jer. 19 1. *Take of the ancients of the people, and of the ancients of the Prieſts.* Wee finde alſo the Commandements of God firſt delivered to the Elders, and by them to the people, Exod. 12.21.28. and 19. 7. 8. It is ſaid, Deut. 27.1. *Moſes with the Elders of Iſrael commanded the people.* Upon which place *Hugo Cardinalis* ſaith: *Argumentum, &c.* Here is an argument that a Prelat ought not to command any thing without the counſell of the Elders.

Secondly, but it cannot bee proved, that theſe Elders in the places objected, were Judges or Magiſtrates: nay, the contrary appeareth from other places, which wee have before alledged for the diſtinction of Elders from Magiſtrates or Judges: whereunto wee may adde, 2 Kings 10. 1. *Vnto the Rulers of Iezreel, to the Elders, and to them that brought up Ahabs children.* And verſe 5. *Hee that was over the houſe, and hee that was over the Citie, the Elders alſo, and the bringers up of the children*, Ezra 10.14. *The Elders of every Citie, and the Iudges thereof.*

Fourthly, we read of threeſcore and ſeventeen Elders in Succoth, Judg. 8. 14. whereas the greateſt number of Judges in one Citie

among the Jewes was three for ſmaller matters, and three and twenty for greater matters. This objection *Bilſon* himſelfe moveth, but anſwereth it not.

Fiſtly, as for the places which hee objecteth againſt us, the firſt two of them make againſt himſelfe. In Ezra 10.8. wee finde not onely the civill puniſhment of forfeiture, but alſo as *Pelicanus* on that place, and *Zepperus de pol. Eccl. lib. 3. cap. 7.* doe obſerve the Eccleſiaſticall puniſhment of excommunication, or ſeparation from the Congregation: the former anſwering to the councell of the Princes, the latter to the councell of the Elders. The place Deuter. 21. 3. 4. maketh againſt him in three reſpects. Firſt, the Elders of the City did but waſh their hands over the beheaded Heifer, and purge themſelves before the Lord from the bloodſhed, which was a matter rather Eccleſiaſticall then civill, *neque enim, &c. For there was no neede of a Iudge here who ſhould be preſens formally as Iudge*, ſaith *Bonfrerius*, the Jeſuite, upon that place. Secondly, the controverſie was decided by the word of the Prieſts, verſ. 5. Thirdly, *Toſtatus* thinketh that the Elders & the Judges are plainely diſtinguiſhed, verſ. 2. *Thy Elders and thy Iudges ſhall come forth. Quæras hic, &c. Thou mayeſt here aske*, ſaith Pelargus,

Pelargus, why the Elders of the people and the Iudges were both together called out? I answer, because God will have both the Magistrate and the subjects to be innocent, &c. As for the other places, that which seemeth to prove most for the civill power of the Jewish Elders, is Deuter. 22. yet heare what that famous Commentator, *Tostatus Abulensis*, saith on that place, *Quandotalis, &c. When such a cause was to bee judged, because it was very weighty, the Elders of the City did meet together with the Iudges thereof, for in such facts there is some place for conjecture, and the Elders who are the wiser sort, can herein bee more attentive then others.* So hee noteth upon Ruth 4. 2. that the Elders sate in the gate about the controversie betwixt *Boaz* and the other Kinsman, not as Judges, but as witnesses and beholders, that the matter might bee done with the more gravity and respect. Which doth further appeare from vers. 9. 11. In like manner wee answer to Deut. 21. 19. the Judges decided that cause with advice and counsell of the Elders: and so the name of *Elders* in those places may bee a name not of office, but of dignity, signifying men of chiefe note, for wisedome, gravity, and experience. In which sense the word *Elders* is taken, Gen. 50. 7. as *Tostatus* and *Rivetus* ex-

pound that place. In the ſame manner we ſay of Deuter. 19.12. and in that caſe it is further to bee remembred that the Cities of refuge had a kinde of a ſacred deſignation and uſe, for the Altar it ſelfe was ſometimes a place of refuge, Exod. 21.14. and when the ſixe Cities of refuge were appointed, they were of the Cities of the Levits Numb.35.6. that by the judgement and counſell of the Levits who ſhould beſt underſtand the Law of God, ſuch controverſies might be determined, as *Pellicanus* on that place ſaith well; for this cauſe ſome read Joſh.20.7. *They ſanctified Kedeſh, &c.* Beſides, if it bee true that theſe cauſes were judged, not in the City where the murder was committed, but in the City of refuge, as *Serrarius* holdeth with *Maſius* and *Montanus*, and alledgeth for it ſome very conſiderable reaſons, then doth *Bilſons* Argument from Deut. 19.12. faile alſo in this reſpect, for the Elders there mentioned are the Elders of the City where the murder was committed.

In Joſ. 20. quæſt. 3.

CHAP.

CHAP. IV.

The ſecond Argument taken from Matth. 18.17.

OUR ſecond argument we take from Matth. 18.17. *Tell the Church.* Let an obſtinate offender, whom no admonition doth amend, bee brought and judged by the Church. Where firſt of all, it is to bee condeſcended upon, That though hee ſpeaketh by alluſion to the Jewiſh Church, as is evident by theſe words, *Let him be unto thee as an heathen man and a Publican*; Yet hee meaneth of the Chriſtian Church, when he ſaith, *Tell the Church*, as may appeare by the words following, *Whatſoever ye bind on earth, &c.* which is meant of the Apoſtles and Miniſters of the Goſpell, Joh. 20. 23. ſo that hee did not ſend them to the Synedrium of the Jewes, when hee bade them tell the Church: nor, 2. doth hee meane of the Church univerſall; for then we ſhould have none of our wrongs redreſſed, becauſe wee cannot aſſemble the Church univerſall; nay, nor the repreſentative of it, which is an Oecumenicke Councell: Nor 3. can wee underderſtand it of the collective body, of a particular

ular Church or Congregation; for nee who is the God of order, not of confusion, hath committed the exercise of no Ecclesiasticall jurisdiction to a promiscuous multitude. Nor 4. can it be taken of a Prelate, who being but one, can no more be called *the Church*, nor one can be called many, or a member be called a body. *Non enim una persona potest dici Ecclesia*, saith Bell. de Eccles. l. 3. c. 17. *Cum Ecclesia sit populus & regnum Dei.* It is plaine, that the Church there spoken of, is a certaine number met together, *Where two or three are gathered together. &c.* Nor 5. can wee with *Erastus* and *Bilson* expound it of the Christian Magistrate; which exposition, beside that in a new-fangled language, it calleth the Magistrate the Church, and goeth about to overthrow all Ecclesiasticall jurisdiction. It is also utterly contrary to the purpose of Christ, and to the aime of that discipline which he recommendeth to bee used, which is the good of our brother, and the gaining of him from his offence, whereas the exercise of civill jurisdiction of the Magistrate is not intended for te good of the offender, and for the winning of him to repentance; but for the publike good of the Common-wealth, and for the preservation of peace, order, and justice, therein according to the lawes. Wherefore

Disputat. Eccles. cap. 4. p. 70. 71.

by

by the Church whereof our maſter ſpeaketh, we muſt needs underſtand ſuch a repreſentative meeting of the Church, wherein a ſcandalous and obſtinate perſon may, and ought to be judged. And what is that? *Collegium Presbyterorum*, ſaith *Camero*. The Presbytery whereof mention is made, 1 Tim. 4.14. Tell the Church, that is, πρεσβυτερίου καὶ πρεσβυτερίου ſaith *Chryſoſtome*, expounding the place: he meaneth the Presbyterie made up of Paſtors and ruling Elders. And ſo *Zanchius* and *Iunius* expound him. The Paſtors were πρεσβύτεροι, becauſe of their preſiding in the Conſiſtories of the Church. The ruling Elders were προεστῶτες, becauſe of their ruling the flocke. *Whitgift* ſaith, *Truth it is, that the place of Matthew may be underſtood of Seniors, but it may bee aſwell underſtood of any other, that by the order of the Church, have authority in the Church.* His confeſſion in behalfe of Seniors we accept, but that he maketh this Scripture like a noſe of waxe, and the government of the Church like the French faſhion, that we utterly abhorre. But how is the Presbytery called the Church, and why? Firſt, even as the body is ſaid to ſee when as the eyes alone doe ſee; ſo ſaith *Camero*. The Church is ſaid to heare that which they alone doe heare, who are as the eies of the

Prælect. tom 1. p. 23.

In 4. præcept. col. 741. Contr. 3. l. 2. c. 6.

D. of Tract. 17. ſ. 2. Div. 4.

Ubi ſupra, pag. 26.

the Church. Secondly, it is a common forme of ſpeech to give the name of that which is repreſented to that which repreſenteth it. So wee commonly ſay that this or that is done by the States of Holland, which is done by the Senate at Hague. Now though Biſhops or Paſtors alone cannot repreſent the Church, becauſe hearers alſo belong to the definition of the Church; yet the Preſbytery can well repreſent the Church, becauſe it containeth, beſide thoſe who labour in the word, ruling Elders put in authority by the Church for the government thereof, as *Gerard* rightly reſolveth. Our Divines prove againſt Papiſts that ſome of theſe whom they call Laickes ought to have place in the Aſſemblies of the Church by this Argument among the reſt; becauſe otherwiſe the whole Church could not be thereby repreſented. Thirdly, the Lord commanded that the children of Iſrael ſhould lay their hands upon the Levits at their conſecration, and that the whole congregation ſhould bee brought together for that effect. This, as ſome have obſerved out of *Aben-Ezra*, cannot bee ſo underſtood as if the many thouſands which were then in the Hoſte of Iſrael had all laid their hands upon them, but the Elders of Iſrael onely repreſenting them.

Loc. Theol. tom. 6. p. 137.

Num. 8. 9. 10.

Trem. of Eccl. diſcip. pag. 87.

So

So the Lord ſaith, *ſpeake to all the Congregation of Iſrael, &c.* But the execution of this command is expreſſed thus, *Then Moſes called for all the Elders of Iſrael, and ſaid unto them, &c.* So Joſh. 20.6. Fourthly, Paſtors and Elders, as they are the Miniſters of Jeſus Chriſt, ſo are they the Miniſters and ſervants of his Spouſe the Church. From that which hath beene ſaid we may draw our Argument in this forme. Exod. 12.3. verſe 21. 2 Cor. 4.5.

Whatſoever Courts doe repreſent the Church, theſe are made up of ruling aſwell as teaching Elders.

But Presbyteries and all Aſſemblies of the Church are Courts which repreſent the Church. *Ergo.* The propoſition is proved thus: Whatſoever Courts repreſent hearers aſwell as teachers, and the people aſwell as the Miniſtery, theſe are made up of ruling as well as teaching Elders.

But whatſoever Courts doe repreſent the Church, theſe repreſent hearers aſwell as teachers, &c. It is plaine enough that the Church cannot bee repreſented except the hearers of the word, which are the farre greateſt part of the Church be repreſented. By the Miniſters of the word they cannot be repreſented more then the Burghes can bee repreſented in Parliament by the Noblemen

or by the Commissioners of Shires; therefore by some of their owne kinde must they be represented, that is by such as are hearers and not preachers. Now some hearers cannot represent all the rest, except they have a calling and commission thereto, and who can those be, but ruling Elders?

CHAP. V.

Our third Argument taken from Romans 12.8.

OUR third Argument is grounded upon Rom. 12.8. The Apostle hath declared before that, as there are many members in one body, and all the members have not the same office, for the office of the eye is to see, of the eare to heare, &c. So are their gifts given to the severall office-bearers of the Church, wherewith every one in his owne office may glorifie God and edifie the Church, vers. 4. with vers. 5.6. These gifts he saith are differing, according to the grace given to us; that is, according to the holy charge and office given unto us by the grace and favour of God: so vers. 3. *Through the grace*

grace given unto me, ſaith Paul: that is through the authority of my Apoſtleſhip, which by grace I have obtained. Now whiles he exhorteth every one to the faithfull and humble uſe of his gift which he hath received for the diſcharge of his office, he illuſtrateth his exhortation by the enumeration of the ordinary Eccleſiaſticall offices verſ. 6. 7. 8. And as *Beza*, *Piſcator*, and *Iunius* doe well reſolve the text. Firſt, he maketh a generall diviſion of functions in the Church, making two ſorts of the ſame *Propheſie*, whereby is meant the faculty of expounding Scripture: and *Miniſterie* comprehending all other imployments in the Church. Prophecying the Apoſtle ſubdivideth into Teaching, which is the Doctors part, and Exhortation which is the Paſtors. Miniſtery he ſubdivideth in Giving, which is the Deacons part. Ruling which is the ruling Elders part, and Shewing mercy, which pertained to them who had care of the ſicke. Againſt this commentary which we have made upon the Apoſtles words. *Sutcliffe* objecteth a double injury which we doe to Paſtors. Firſt, if theſe our Elders be the Rulers here ſpoken of, then Paſtors ought not to rule: as if (forſooth) Elders could not rule except they rule alone. Next hee ſaith wee make theſe Elders as

In illum locum. Eccleſ. l. 2. c. 1.

De Presbyt. p. 87.

neceſſary to the Church as Paſtors, ſo that a Church cannot be where there are not ruling Elders, even as there is not a Church where there are not Word and Sacraments. Surely, a Church may happen to want Paſtors, and ſo to want both the preaching of the Word, and the uſe of the Sacraments for that time: And ſo may it want Elders, and ſtill remaine a Church, but defective and maimed. Howbeit the Paſtors are more neceſſary then the Elders, becauſe they doe not onely rule, but preach beſide.

But to paſſe this, there are other things which better deſerve an anſwer: for one might object, 1. That the Apoſtle ſeemeth to ſpeake of ſeverall gifts onely, not of ſeverall offices. 2. If hee ſpeake of Offices, by what reaſon make we *Propheſie* and *Miniſtery* generall kindes, and all the reſt particular offices. 3. Why would the Apoſtle put the *Deacon* before the *Elder*. 4. Biſhop *Andrewes* in his Sermon of the worſhipping of Imaginations, maketh a fourth objection, that by our interpretation of this place, wee make *Qui miſeretur* to be Latine for a *widow*.

To the firſt of theſe we anſwer, The Apoſtles *Protaſis* ſpeaketh of ſeverall offices, not in the ſame, but in ſeverall members: how then ſhould we make his *Apodoſis* to ſpeak of

ſeverall

ſeverall gifts in the ſame, and not in ſeverall office-bearers of the Church; wherefore, as ſeeing, hearing, taſting, &c. doe differ ſubjectively in reſpect of the members, which doe ſee, heare, &c. So ſpeaketh the Apoſtle of teaching, exhorting, ruling, &c. as they are in different office-bearers. It is leaſt of all credible which *Bilſon* ſaith *de Eccleſ. gubern. c.*10. *p.*186, 187. that the Apoſtle ſpeaks not of the gifts of office-bearers, but of gifts diſtributed unto all the members of Chriſts myſticall body, even unto women. Hee had ſhewed us a great ſecret, if hee could have made it appeare, that all who are in the Church, women and all, may both propheſie and rule. In this hee ſhall have the praiſe of out-ſtripping the Separatiſts. We know that private Chriſtians may teach and exhort one another; but they doe not ſo devote themſelves thereto, as altogether to wait upon teaching and exhorting, which is the caſe the Apoſtle ſpeaketh of.

To the ſecond wee ſay, that *Propheſie* and *Miniſtery* are put *in abſtracto*, and joyned with a plurall ἐχούσης; but *teaching, exhorting, giving, ruling*, and *ſhewing mercie*, are put *in concreto*, and to each of them the ſingle article pre fixed; which is a ſufficient warrant to expound *Propheſie* and *Miniſtery*, as *Genera*,

and the rest as Species. *Chrysostome* considering the word *Ministery*, saith, *Rem hic generalem ponit.*

To the third we answer, He which is first named, hath not alwayes some prerogative or dignity above him which is last named; else doe the Papists rightly argue, that *Peter* was the chiefe of all the Apostles, because they finde him named before all the rest, Matth. 10.2. Act. 1.13. The Apostle intended to reckon out all ordinary offices in the Church; but he intended not the precise order. *Chrysostome* upon this same place saith: *Vide quomodo iste indifferenter ponat quod minus est primo: quod magnum est posteriore loco.* Ephes. 4.11. hee putteth *Pastors* before *Teachers*: here to the Romans he putteth *Teachers* before *Pastors*.

To the fourth wee answer, That though it be ordinarily most convenient, that the office of attending the sicke bee committed to women, yet it is not essentially necessary to the office: And as *Aretius* noteth upon the place, wee may under ἐκεῖ comprehend not onely widowes appointed to attend the sicke, but old men appointed to receive and entertaine strangers: Which is also judiciously observed by *Martyr*. Besides, when the Apostle, 1 Tim. 5. teacheth what is required in widowes

Loc.com. class.4.cap 1. p. 746.

dowes, who ſhould bee made Diaconeſſes; this hee requireth among other things, that they be not ſuch as live in pleaſures and idleneſſe, and take not care to provide for their owne houſes, verſe 6.8. ἰδίους; which though *Eraſmus* and *Beza* turne in the feminine, *quod ſi qua*, yet our Engliſh Tranſlators, and many good Interpreters, turne it in the maſculine. *And ſurely it ſhall have more weight if it agree to men as well as women*, ſaith *Calvin* upon that place. Now they who read in the maſculine, that which the Apoſtle ſaith there of widowes, will not, wee ſuppoſe, blame us for reading, Rom. 12. 8. in the maſculine alſo, *He that ſheweth mercie*. Wee conclude our third Argument thus:

Whatſoever office-bearer in the Church is different from Paſtors and Teachers, and yet ruleth the Church, he muſt needs bee a ruling Elder.

But ὁ προϊσταμενος mentioned, Rom. 12. 8. is different from Paſtors and Teachers, and yet ruleth the Church. Ergo.

CHAP.

CHAP. VI.

Argument 4. from 1 Cor. 12. 28.

OUR fourth Argument is drawn from 1 Cor. 12. 28. where we finde againe an enumeration of ſundry offices in the Church (though not ſo perfect as that Rom. 12.) and amongſt others, *Helps*, that is, *Deacons*, and *Governments*, that is, *Ruling Elders*. Where wee cannot enough admire how the Authors of the new Engliſh tranſlation were bold to turne it thus, *Helps in Governments*, ſo to make one of two, and to elude our Argument. The originall hath them cleerely diſtinguiſhed, ἀντιλήψεις, κυβερνήσεις. And I finde ſome late editions of the Engliſh tranſlation to have it as it is in the Greek, *Helps, Governments*. How this change hath been made in the Engliſh Bibles, I know not. *Chryſoſtome* expounding, this place doth not take Helps and Governements to be all one, as *Bilſon* hath boldly, but falſly averred. Nay *Chryſoſtome* maketh the meaning of ἀντιλήψεις, to be *ut pauperes ſuſcipiamus*: and the meaning of κυβερνήσεις, he expounded to be *præeſſe ac curam gerere & res adminiſtrare ſpirituales*. The former belongs to *Deacons*, the

De gub. Eccl. cap. 10. p. 204

the later to *ruling Elders*. Two answers are made to this place.

First, D. *Field* answereth, that both here and Rom. 12.8. we reason *à genere ad speciem affirmativè*; because the Apostle mentioneth Governours whom he requireth to rule with diligence, therefore they were such Elders as we plead for. *Whitgift* saith, the word *Governours*, 1. *Cor.* 12. 28. and *Rulers*, Rom. 12. 8. is generall, and may either signifie Christian Magistrates, or Ecclesiasticall, as Archbishops, Bishops, or whatsoever other by lawfull authority are appointed in the Church.

Of the Church lib 5. cap. 26.

Answer to the Admon. p. 114. 115

We reply, first, if the Apostle had mentioned Rulers or Governours alone, then might we have indeed guessed, that hee meant a generall kinde onely, and no particular *Species*: But since he hath enumerate so many *Species*, as Apostles, Prophets, Teachers, gifts of miracles, gifts of tongues, &c. Surely they did either most ignorantly, or most maliciously erre who tell us, that the Apostle putteth a *Genus* in the midst of so many *Species*. Secondly, the Apostle speaketh onely of Ecclesiasticall Officers, *God hath set some in the Church, &c.* What meant *Whitgift* to extend his words to the civill Magistrate. T. C. answered him, that hee could not distinguish betwixt the Church and Common-wealh, and so betwixt

Temporis illius conditio non de quibuslibet. præsertis Psalum loqui ostendit quia tunc nulli erant pii Magistratus: sed de Senioribus qui morum erant Censores saith Calvine upon Rom. 12.8.

the Church Officers, and the Officers of the Common-wealth. He replied, that he could not put any ſuch difference betwixt them, that the one may not be comprehended under the Apoſtles word, as well as the other. *For I utterly renounce*, ſaith he, *that diſtinction invented by Papiſts, and maintained by you, which is, that Chriſtian Magiſtrates governe not in the reſpect they be Chriſtians, but in the reſpect they be men; and that they governe Chriſtians, not in that they bee Chriſtians, but in that they bee men: which is to give no more authority to the Chriſtian Magiſtrate in the Church of Chriſt, then to the great Turke.* Let our oppoſites here goe by the eares among themſelves: for M. *Io. Wemys* holdeth, that all Kings have alike juriſdiction in the Church, Infidels as wel as Chriſtian Kings. We hold that Chriſtian Magiſtrates governe their ſubjects, neither as Chriſtians, nor as men, but as Magiſtrates; and they governe Chriſtian ſubjects as Chriſtian Magiſtrates. In like manner, Chriſtians are governed by Magiſtrates, neither as they are Chriſtians, nor as they are men, but as they are ſubjects, and they are governed by Chriſtian Magiſtrates, as they are Chriſtian ſubjects. And we all maintaine, that a Chriſtian Magiſtrate hath great authority over Chriſtian ſubjects, in things pertaining to the conſervation

De Reg. prim. p. 123.

vation and purgation of religion, which the great Turke, nor no Infidell Magiſtrate hath, or can have, except hee become Chriſtian. But what doe I digreſſing after the impertinencies of a roving diſputer? for what of all this? Let Chriſtian Magiſtrates governe as you will, will any man ſay that his office is Eccleſiaſticall, or to be reckoned among Apoſtles, Prophets Teachers? &c. Wherefore

Let us proceed to the other anſwer, which is made by *Saravia*: Hee ſaith, that though the Apoſtle, 1 Cor. 12. 28. reckon out different gifts, wee need not for that underſtand different perſons, nor make different orders and offices in the Church, of the gifts of miracles, healing, tongues, and prophecies, which might bee, and were in one man. Whereupon he reſolveth the Text thus: that firſt, *Paul* ſetteth downe three diſtinct orders, Apoſtles, Prophets, and Teachers; then he reckoneth forth theſe common gifts of the holy Ghoſt (and the gift of governing amongſt the reſt) which were common to all the three. The Apoſtle ſaith not *Governours*, but *Governments*, ſaith *Sutcliffe*, to ſhew that he meaneth of faculties not of perſons. So ſaith *Bilſon* in like manner.

De diver. grad. miniſt. Evang. c. 11. p. 115.

De Presbyt. p. 87.

De perpet. Eccleſ. guber. cap. 10. p. 190, 191.

For confutation of all this, it is to be remembred: Firſt, that the gifts ſpoken of by

the Apoſtle, are given of God for the common good and edification of the Church, *And God hath ſet ſome in the Church, &c.* Secondly, theſe gifts the Apoſtle conſidereth not, *abſtractivè à ſubjectis*; but as they are in men indued with them, as is plaine; for hee had before reckoned forth the gifts themſelves, verſ. 8.9.10. and if here he did no more but reckon them over againe, this were *actum agere.* He is now upon the uſe and exerciſe of theſe gifts by the office-bearers of the Church, verſ. 27. 29. And though the Apoſtle, verſ. 28. ſpeaketh concretively only of theſe three, Apoſtles, Prophets, and Teachers, yet the reſt muſt bee underſtood in the ſame manner, *per metonymiam adjuncti*, as when wee ſpeake of Magiſtracy and Miniſtery, for Magiſtrates and Miniſters: yea, the Apoſtle, verſ. 29. 30. ſo expoundeth himſelf where hee ſpeaketh *concretivè* of the ſame things whereof hee ſeemed before to ſpeake *abſtractivè.* Hee ſpeaketh of them as they are in different ſubjects, which is moſt evident both by his *protaſis* wherein hee did againe preſſe the ſame *ſimile* of the ſeverall offices, not of the ſame but of ſeverall members of the body; and likewiſe by the words immediately ſubjoyned, *Are all Apoſtles, are all Prophets? are all Teachers?* He would have ſtood here and ſaid no more, if he had meant to diſtinguiſh theſe three orders only as *Sa-*

ravia expoundeth him. But now to make it plainely appeare that hee ſpoke of the other gifts alſo, as they are in different perſons, hee addeth, *are all workers of miracles? have all the gifts of healing? doe all ſpeake with tongues? doe all interprete?* where wee may ſupply, *are all for helps? are all for governements?* But can it bee for nought that the Apoſtle ommitteth theſe two, when he doth over againe enumerate all the reſt? verſ. 29. 30. It is as if he had ſaid, there are ſome who have none of thoſe ſpeciall, and (for the moſt part) extraordinary gifts. All are not Apoſtles, all are not Prophets, &c. for ſome have but common and ordinary gifts, to bee Deacons or Elders for government.

There is a great controverſie betwixt the *Ieſuits* and the *Doctors of Sarbon*, about the meaning of this place which we have now expounded. The Jeſuits in their *Spongia*, writen againſt the cenſure of the Univerſity of Paris, contend, that by *Helps* the Apoſtle meaneth, *the regular Chanoins*, who help the Biſhops and the Prieſts in preaching, miniſtering the Sacraments, and hearing confeſſions. By *governments* they ſay hee meaneth *ſecular Prieſts*, whom they call *parochi*. And becauſe hee putteth *helps* before *governments*, they inferre that *Regular Chanoins* are of an higher degree in the Hie- C. 5. ſect. 50.

 rarchy

rarchy of the Church, then *Secular Priests*. This they maintaine (good men) for the credit of their owne Polypragmaticke order, and not for the credit of other regular Chanoins, you may be sure. The Doctors of *Sorbon* in their *Vindiciæ Censuræ*, written by *Aurelium*, considered that they could not maintaine the meaning of the Apostle to bee onely of different gifts (which no doubt they had answered, if they had thought it to carry any probability) therefore they acknowledge that under these gifts are contained also the degrees of the Hierarchy. And that the Apostles words doe partly belong to the common gifts of the Spirit, as powers and interpretation of tongues, partly to the Hierarchy: of this later sort, they make *helps and governments*. And by *the helps* they seeme to understand Archdeacons and Curates.

Pag. 378. 380.

Pag. 362. &c.

But now to conclude this Argument also, thus it is: They who have the gift and office of governing the Church, and are different from them, who have other gifts and offices in the Church, can be no other then the ruling Elders, which we plead for.

But these κυβερνήσεις spoken of, 1 Cor. 12. 28. are such. *Ergo*.

CHAP.

CHAP. VII.

Argument 5. from 1 Tim. 5. 17.

OUR fift Argument is taken from a cleer place, 1 Tim. 5.17. *Let the Elders that rule well bee counted worthy of double honour, especially they who labour in the word and doctrine.* Hence we reason after this manner.

Theſe Churches which had ſome Elders that laboured not in the Word and Doctrine, yet were worthy of double honour for ruling well, had the very ſame ruling Elders we plead for.

But the Apoſtolicke Churches had ſome Elders that laboured not in the Word and Doctrine, yet were worthy of double honor for ruling well. *Ergo.*

The Argument riſeth from the plaine Text, then which what can be cleerer? But there are ſome who would darken light, and lighten darkeneſſe.

Doctor *Field* propoundeth three gloſſes upon this place for the fruſtration of our Argument. Firſt, that the guides of the Church are worthy of double honour, both in reſpect of governing and teaching, but eſpecially for their paines in teaching; ſo that the Apoſtle Of the Church. l. 5. c. 26.

poſtle noteth two parts or duties of Presbyteriall offices, not two ſorts of Presbyters. This is manifeſtly againſt the Text, which ſpeaketh of officers, not of offices, of perſons, not of duties, for it is not ſaid, *eſpecially for labouring, &c.* But *eſpecially they that labour, &c.*

Secondly, he ſaith, among Elders ſome laboured principally in governing and miniſtering the Sacraments, ſome in preaching. So *Paul* ſheweth that he preached and laboured more then all the Apoſtles, but baptiſed few or none. And when *Paul* and *Barnabas* were companions, and their travells equall; yet *Paul* was the chiefe ſpeaker; ſo that though both were worthy of double honour, yet *Paul* eſpecially. But for anſwer to this. Firſt, we would gladly know what warrant had hee for expounding *Pauls* more abundant labouring then all the Apoſtles, of his preaching alone? Secondly, what warrant for ſuch a diſtinction of Elders, that ſome laboured principally in governing, ſome in preaching? Becauſe *Paul* preached and did not baptiſe, and becauſe hee was the chiefe ſpeaker when hee and *Barnabas* travelled together: therefore ſome Elders laboured in governing, ſome in preaching; good Logick forſooth. Thirdly, thought he that the Apoſtle

1 Cor. 15. 10. & 1. 14. Act. 14. 12.

poſtle did ever account ſuch Miniſters as doe not mainly labour in preaching to be worthy of double honour: nay, it was never the Apoſtles minde to allow any honour, farre leſſe double honour, either to non-preaching or to ſeldome preaching Miniſters. *Vt quid enim doctor appellatur niſi ut doceat?* ſaith *Chryſoſtome*. 4. Tell me whether is preaching a duty belonging to all the Miniſters of the Goſpell or not? if it be not the duty of all, then it is the duty of none, but a work of ſupererogation or ſome ſuch thing; for if ſome be not bound to preach by their Presbyteriall order and vocation, what is there that ſhould binde others to preach? The order and calling of a Preſbyter is alike common to all. Now if all bee bound to preach (which *Field* himſelfe ſeemeth to ſay in his firſt gloſſe, when hee calleth paines in teaching, a part or duty of the Presbyteriall office, no leſſe then governing) how ſhall thoſe Presbyters bee worthy of double honour, who doe not the duties of their Presbyteriall office, but leave the one halfe of them undone?

Hom. 15. in 1 Tim.

Thirdly, ſaith *Field*, there were ſome that remained in certaine places for governing of thoſe who were already wonne by the preaching of the Goſpell: others travelled with great labour, from place to place, to preach

Christ to such as had never heard of him. Both these were worthy of double honour, but especially the later, who did not build upon anothers foundation, nor governe those whom others had gained. The Poet would here answere:

Non minor est virtus quam quærere parta tueri.

A Physitian would haply say, that to prevent the recidivation, is as much worth as the cure. But I answer, 1. There is no such opposition in the Text, but a subordination rather: for, Elders who labour in the word and doctrine, are not contra-distinguished from Elders that rule well, but are declared to bee one kinde of Elders that rule well. 2. Though the Apostles and Evangelists travelled from one Countrey to another, to preach Christ to such as never heard of him; yet where hath hee read that some of these who were meere Presbyters (for of such speaketh the Text in hand) did so likewise? It rather appeareth from Act. 14.23. Tit. 1.5. that Elders were ordained in every Citie, there to remain at their particular charges, and no Elders finde we ordained by the Apostles *ordinatione vaga.*

De Presbyt. cap. 12.

We have heard D. *Fields* three glosses upon this place in question. *Sutcliffe* hath given us other three which are no better. First, he saith,

saith, that if there bee here any distinction of ruling Elders, it is betwixt those that labour more abundantly and painfully, and betwixt those that labour not so much. This glosse is also received by *Saravia*, by *Titen*, by Bishop *Hall* in his Assertion of Episcopacie by divine right. They tell us, it is one thing to preach, another thing to labour in the word and doctrine. *Answ.* 1. It is not the ministery of the word, but the ministery of ruling which here the Apostle maketh common to both. 2. This exposition alloweth not onely honour, but double honour, yea, a high degree of double honour to such as take no paines in preaching, but are sparing therein. 3. It maketh the Apostles speech not to grow, but to fall: for when they have stretched it to the full, noteth onely great labour, whereas to rule well importeth both great labour and great prudence, dexterity, faithfulnesse and charity beside. 4. It maketh the last part of the speech, *In the Word and Doctrine*, to bee superfluous: for they hold that all the difference here, is in the meafure or manner of labour, and no difrence *in re subjecta*. 5. All who have any charge in the Ministery, are called 1 Thess. 5.11. If they be at all faithfull, and worthy of honor, then do they labour, 1 Cor. 3.8. yea, in labouring, watch, as they that must give account, Heb. 13.27. 6. The Rhe-

De diver. grad. minis. Evang. c. 13. Paren. cap. 11. pag. 38. Episcop. by div. right. pag. 219.

mists doe interpret the Apostle in the same manner. But *Cartwright* answereth them; If hee had meant any extraordinary labour, hee would rather have sayd, μοχθοῦντες, then κοπιῶντες: for other where hee useth μοχθος, as a degree of painful travell above κοπος, which is put for common labour, Rom, 16.12.

2 Cor. 11.27. 1 Thess. 2.9.

But it may be the next Commentary shall be better. The words, saith *Sutcliffe*, are to be rendred thus: *Let Elders that rule well, bee counted worthy of double honour, labouring greatly in the Word and Doctrine*: so that the later part of the speech is added exegetically, to shew who they bee that rule well, to wit, these who labour greatly in the word and doctrine. That the words are so to bee understood, he undertaketh to prove from the text it selfe: For, saith hee, one who purposeth to say in Greeke, *especially they who labour*, will not say, μάλιστα οἱ κοπιῶντες, but μάλιστα οἱ κοπιῶσι. Thus changing the Participle into a Verb, and the prepositive article οἱ, which is written with an aspiration alone, into the subjunctive οἱ *cum accentu gravi*, for this answereth to the relative *who*, which the prepositive article doth never. Moreover, saith he, if the Apostle would have distinguished *Elders* into these that preach, and these that preach not, he would have added the adversative particle δ_ after μάλιστα: for μάλιστα δὲ signifieth indeed

especially

especially, but μάλιστα alone without ϗ, signifieth *greatly*, or *much*, as here it doth. *Answ.* 1. This reading of his is very harsh, and had need to sound better before it contradict both the English Translators, and the common current of Protestant Interpreters. 2. Hee is not so very well skilled in the Greeke, as hee boasteth to bee, unlesse he make the Apostle *Paul* a great *Ignoramus* in that language. For hee putteth a Participle with the Prepositive Article for a Verbe and a Relative, Philip. 4. 7. καὶ ἡ εἰρήνη τοῦ θεοῦ ἡ ὑπερέχουσα πάντα νοῦν, *and the peace of God which passeth all understanding*. So Eph. 4. 22. τὸν παλαιὸν ἄνθρωπον τὸν φθειρόμενον. The old man which is corrupt, and v. 24. τὸν καινὸν ἄνθρωπον τὸν κατὰ θεὸν κτισθέντα. *The new man which after God is created.* 1 Thess. 5. 12. εἰδέναι τοὺς κοπιῶντας ἐν ὑμῖν. *To know them which labour among you.* If *Sutcliffs* rule hold, we may not read it so, but thus, *To know them labouring among you.* So Apoc. 7. 14. οὗτοί εἰσιν οἱ ἐρχόμενοι ἐκ τῆς θλίψεως τῆς μεγάλης, *These are they who come out of great tribulation.* Many places of this kinde there are, which I need not cite. 3. An Ellipsis of the particle ϗ, is no error, no not in members of an opposition, as Col. 2. 23. much lesse in the distinction of a *Species* from the *Genus*. 4. μάλιστα without ϗ, is put for *especially*, as well as when it hath ϗ, 1 Tim. 4. 10. *who is the Saviour of all*

men, especially of these that believe. μάλιστα πιστῶν. This skilled Grecian would have us to conceive it thus: *God is the Saviour of all men who believe much*: and so it shall be a comfortlesse text for those of little faith.

Surely this man had need to be more happy in his third exposition; and now let us know what it is? He saith, that though wee could evince, that the Apostle here speaketh of some other Elders besides the Ministers of the word; yet wee shall have no advantage for our ruling Elders: for the Apostle being to prove that the Ministers of the word ought to be maintained, why might he not, saith he, use this generall proposition, That all Rulers, whether publicke or domestick, whether Civill or Ecclesiasticall, are to bee honored? When the Apostle speaketh of the chusing of Deacons, he will have them to be such as have ruled their own houses well. This is his last refuge, and how weak, let any man judge. We have heard of many sorts of Rulers, but who did ever hear (before *Satliffe* told it) of Domesticke or Civill Elders that rule well. Had not the word Elders been in the Text, but the word προεστῶτες alone, he might have been the bolder to have given this sense. But since the Apostle speaketh not generally of them

them that rule well, but of Elders in the Church that rule well, this marreth his gloſſe altogether.

Bilſon giveth yet another ſenſe, That there were two ſorts of Elders, ſome who laboured in the word and doctrine, ſome who had the care of the poore: both were worthy of double honour; but eſpecially they who laboured in the word. *Anſw.* Deacons are diſtinguiſhed from Elders, Rom. 12. 1 Cor. 12. 1 Tim. 3. and by all antiquity. If wee make Deacons to bee Elders, and the care of the poore to be an act of ruling, then let us make what you will of the plaineſt Scriptures. De perpet. Eccl. gub. c. 10.

I finde in *Dideclavius* three other interpretations beſide the former: Firſt, *Bridges* ſaith, That by Elders who labour not in the word and doctrine, are meant rulers or inferiour Magiſtrates, choſen for compounding of civill controverſies. *Anſw.* 1. This is a ſtrange language to call civill Magiſtrates by the name of Elders. 2. The Apoſtle is ſpeaking of Eccleſiaſticall not of Civill office-bearers. 3. This expoſition maketh Paſtors who labour in the word and doctrine, to bee a ſort of civill Magiſtrates, becauſe they are a kinde of Elders that rule well. Altar Damaſc. cap. 12.

Next, Biſhop *King* expoundeth this place of old and infirme Biſhops, who cannot labour

bour in the word and doctrine. *Answ.* 1. The Apoſtle ſpeaketh of Presbyters, not of Prelates. 2. To rule well importeth as great labour as preaching, and ſomewhat more, as I ſhewed before, ſo that they who cannot labour in preaching, cannot labour in ruling neither. 3. They who have eviſcerate and ſpent themſelves in the work of the Miniſtry, who have been (as long as they could ſtand upon their feet) valiant Champions for the truth, againſt the enemies thereof, who have ſerved their time according to the will of God, without the ſtaine of Hereſie, Schiſme, Apoſtaſie, or unfaithfulneſſe, when they become old and infirme, they ought not to be the leſſe honoured (as the impious verdict of this Prelate would have it) but ſo much the more honour ought to be given to their hoare head found in the way of righteouſneſſe.

Another Gloſſe is given by the ſame *King*, namely, that the Apoſtle would have Miniſters, not onely to live well, but to feed alſo by the word and doctrine. *Answ.* 1. The riſing of the Apoſtles words doth not concern duties, but perſons, as wee have ſaid before. 2. To live well is not to rule well, unleſſe wee will make all who live godly, to rule well. 3. Thirdly, this gloſſe doth ſtil leave a double honor to Miniſters that live well, though they do not preach.

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We ſee now, our oppoſites have been trying all windes to fetch upon us: but here we leave them betwixt winde and wave: for this our laſt argument carrieth us away with full ſaile.

CHAP. VIII.

The teſtimony of Ambroſe *for ruling Elders vindicated.*

IF wee looke backe beyond the times of declining unto the firſt and pureſt times of the Church, wee ſhall finde ruling Elders to be no new fangled device at *Geneva*; but that the primitive government and policy of the Church hath beene in them reſtored. There is one place of *Ambroſe* which cleereth it ſufficiently. He writing on 1 Tim. 5. 1. *Rebuke not an Elder*, ſaith, *Vnde & Synagoga, &c. Wherefore both the Iewiſh Synagogue, and after the Church had Senior or Elders, without whoſe counſell nothing was done in the Church: which by what negligence it grew out of uſe, I know not, except perhaps by the ſloth, or rather by the pride of the teachers, whiles they alone will ſeeme to be ſomething.* This ſentence is alſo cited in *Gloſſa ordinar.* And it ſheweth

plainely that as the Jewiſh, ſo the Chriſtian Church had ſome Elders, who though they were not Teachers of the Word, yet had a part of the government of the Church upon their ſhoulders. But that this came into deſuetude, partly through the ſloth of the teachers and Miniſters of the Word, whiles they were not carefull to preſerve the ordinances of God, and the right way of governing the Church; and partly through their pride whilſt they would doe all by themſelves, and have no conſorts,

Vtinam modo noſtra redirent
In mores tempora priſcos.

Epiſcop. by div. right. p. 226.

But let us heare a triple divination which the non-friends of ruling Elders give forth upon this teſtimony. Firſt, Biſhop *Hall* telleth us that it is not *Ambroſe*, but a counterfeit who wrote that Commentary upon the Epiſtles, and for this he alledgeth our owne *Parker* againſt us. The truth is, *Bellarmine* and *Scultingius* taught him this anſwer: The place of *Parker* he citeth not in the Margine; but I believe the place he meaneth of is *de polit. Eccleſ. lib. 2. cap. 13.* where he holdeth indeed, that the author of theſe Commentaries was not *Ambroſe*, Biſhop of *Millaine*, but

but ſheweth withall, that he nothing doubteth of the Catholike authority of the Commentaries themſelves; *Hoc vero, &c. This* ſaith he, *may befall the beſt Author whoſoever he be, that ſome may aſcribe his workes to another. But that hee lived before the Councell of Nice, this addeth weight to his teſtimony of the Seniors.* Theſe Commentaries are commonly cited by our Divines, as *Ambroſe's*. I finde them in *Eraſmus* his edition, both at *Colen*, 1532. and at *Paris*, 1551. acknowledged to bee the genuine workes of *Ambroſe*, only the Prefaces before the Epiſtles are called in queſtion. They are alſo acknowledged in the edition of *Coſterius* at Baſile, 1555. *Sixtus Senenſis* aſcribeth them to *Ambroſe* in like manner. The edition of *Colen*, 1616. hath an obſervation prefixed, which repudiateth many of his workes, and theſe Commentaries among the reſt. Yet the laſt edition at Paris, 1632. hath expunged that obſervation, which they had not done if they had approved the ſame: Howſoever that ſame obſervation maketh thoſe Commentaries to bee as old as 372. or 373. *Perkins* in his preparative before his demonſtration of the probleme, calleth in queſtion the Commentary upon the Hebrewes, but no more. *Rivet* ſheweth that theſe who reject them, doe nei- Critic. ſacr. l. 3 c. 18.

ther give good reasons for their opinion; neither yet doe agree among themselves. *Bellarmine* ascribing them to *Hilarius Diaconus*, *Maldonat* to *Remigius Lugdunensis*, the Censors of *Lovaine* to the Author of the questions of the old and new Testament.

P. 134. I beleeve that *Cooke* in his *Censura Scriptorum veterum*, hath touched the true cause why these Commentaries are so much called in question, which is the perfidiousnesse of Papists, who when they finde any thing therein which they imagine to bee for their advantage, then they cry, Saint *Ambrose* saith thus, but when they finde any thing therein which maketh against them, then they say as *Hall* doth, It is not *Ambrose*, but a counterfeit, I must confesse that *Hall* is wiser in disclaiming the same, then his fellowes in acknowledging them: yet because he found that the Testimony may bee of force, though not *Ambrose's*, and beside had no proofe for this alledgeance, he durst not trust to it, but thought upon another answer.

De gub. Eccl. cap. 11. p. 210. De Presbyt. c. 13. Of the Church. lib. 5. cap. 26.

To proceed then to their next conjecture. *Bilson*, *Sutcliffe*, and Doctor *Field*, tell us that *Ambrose* meant of Bishops, who excluded other Clergy men from their consultations, and that by the name of Teachers hee might fitly understand the Bishops, seeing none

none but they have power to preach in their owne right, & others but onely by permiſſion from them. This is a moſt deſperate ſhift for a bad cauſe. For firſt, there is no warrant neither from Scripture nor Antiquity to diſtinguiſh Biſhops from other Miniſters of the Word by the name of Teachers. Secondly, as for that reaſon alledged that none but Biſhops have power to preach in their owne right, it is contrary to that which *Field* himſelfe ſaith in the very next Chapter, where he holdeth that Presbyters are equall with Biſhops in the power of order, and that they may preach and miniſter the Sacraments by vertue of their order, as well as Biſhops. Thirdly, neither did the adviſing of Biſhops with Presbyters ceaſe in *Ambroſe* his time. For as *Field* himſelf noteth out of the fourth Councell of *Carthage* (which was holden ſhortly after *Ambroſe* his writing hereof) all ſentences of Biſhops were declared to bee void, which were not confirmed by the preſence of their Clergy. Let us alſo heare *Hierome* and *Chryſoſtome*, (who lived both in the ſame age with *Ambroſe*) *what doth a Biſhop*, ſaith *Hierome*, *ordination excepted, which a Presbyter may not doe? By ordination alone*, ſaith *Chryſoſtome*, *are the Biſhops higher, and this onely they ſeem to have more then Prebyters.*

C. 27.

Epiſt. ad Evag.

In 1 Tim. hom. 10.

Which were not true if Biſhops had then governed the Churches by themſelves, excluding the counſell and advice of Presbyters: Yea, though ordination was the only one thing which made the difference, *Ambroſe* himſelf ſheweth that Presbyters in Egypt did alſo ordain when the Biſhop was not preſent.

In Epheſ. 4.

We have heard *Sutcliffe* and Doctor *Field*, but *Saravia*, and after him *Tilen*, and after them both *Hall*, hath forged another gloſſe upon the place of *Ambroſe*. They boldly averre that the Elders without whoſe counſell *Ambroſe* ſaith nothing was done in the Church, were Elders by age and not by office. We reply. Firſt, falſhood cannot keepe its feet. Before we heard *Saravia* maintaine that the Seniors among the Jewes, who ſate in Eccleſiaſticall Aſſemblies with the Prieſts, and had equall ſuffrages therein with the Prieſts, were their Rulers and their Magiſtrates, now he telleth us they were old men, Elders by age only, not by office. Secondly, in his defence of that ſame twelveth Chapter againſt *Beza*, hee acknowledgeth that the Chriſtian Church had other Elders by office, beſides the Miniſters of the Word. *The Church* ſaith hee, *hath had Elders ſome by divine inſtitution, as the Paſtors of Churches, and Miniſters of the Word of God.*

De diverſ. gra. miniſt. Evang. c. 12. Paræn. c. 12. p. 42. Epiſc. by div. right. p. 227.

Others

Others by condition of age or office, or eſtimation, or learning and experience. How could hee then aſtrict the words of *Ambroſe* to Elders by age onely? 3. Where was it ever read or heard, that old men, who had no Eccleſiaſticall office, were taken into the aſſemblies of the Church, ſo that nothing was done without their counſell? 4. The *Elders* of whom *Ambroſe* ſpeaketh, are oppoſed to the *Teachers*, therefore they are not *Elders* by *age*: for ſuch are ſome of the *Teachers* themſelves. 5. *Ambroſe* indeed in his preceding words had expounded the place of the Apoſtle, 1 Tim. 5. 1. of *Elders* by age: but thereupon he tooke occaſion to ſpeake of *Elders* by *office* alſo. 6. That the *Elders* which wee read to have been in the Jewiſh Church, were not *Elders* by *age*, *Baſil* ſheweth plainly, whoſe teſtimony we ſhall heare by and by.

CHAP. IX.

Other Teſtimonies of Antiquity.

THus having cleared the place of *Ambroſe*, come we now to other teſtimonies of the Ancients. *Tertullian* in his *Apologeticke* againſt the nations, ſpeaking of the Meetings and Aſſemblies of Chriſtians, Cap. 39.

ſtians, ſheweth, that beſides other things done therein, they had alſo corrections, cenſures, and excommunication, and that in the exerciſe of this diſcipline. *Præſident probati quique Seniores, honorem iſtum non pretio ſed teſtimonio adepti: with us doe ſit all the approved Seniors, as preſidents or rulers, having obtained this honour not by price, but by a good teſtimony.* *Cyprian* in his Epiſtles doth often proteſt, that from the beginning of his Biſhopricke he did all things by common conſent and advice both of his Clergie & people. Will any man thinke, that in ordination, excommunication, reconciliation of penitents, and ſuch like things whereof *Cyprian* ſpeaketh in theſe places, he ſought the counſell and advice of the whole Congregation, and of all and every one therein? or rather that the people gave their counſell and conſent by the *Elderſhip* repreſenting them? Surely, this doing of all things with the advice and counſell of the whole, both Clergy and People, he otherwhere ſheweth to have beene nothing elſe, but the doing of all things by the advice & counſell of the Presbytery; which had not been ſo, if there had not been in the Presbytery ſome of all ſorts to repreſent the reſt.

L. 1. ep. 8.
l. 2. ep. 5.
l. 3. ep. 10.
ibid. ep. 11.

Lib. 3. ep. 11. *Omni actu*, ſaith he, *ad me perlato placuit contrahi Presbyterium, &c. ut firmato conſilio quid*

quid obſervari deberet conſenſu omnium ſtatueretur.

Epiphanius writing to *Iohn*, Biſhop of *Ieruſalem*, concerning the tearing of a vaile which hee had ſeene in the Church of a village called *Anablatha*, with the image of Chriſt, or ſome Saint, upon it, and concerning another vaile which he had ſent for it, intreateth him to give order to the Elders of that place to receive the vaile from the bearer. It is not to bee thought there were many preaching Elders in a ſmall village, hee ſpeaketh in the plurall, *Precor ut jubeas Preſbyteros ejuſdem loci &c.*

Baſilius Magnus in his Commentary upon Iſa. 3. 2. where the Lord threatneth to take away from Iſrael the Ancient, or the Elder, ſheweth from Numb. 11. 16. how warily ſuch Elders were to be choſen, and that their gifts, not their age, made them Elders, he proveth from Dan. 13. 50. (which is the hiſtory of *Suſanna*) where the Jewiſh Elders at Babylon ſay to young *Daniel*, *Come ſit downe among us, and ſhew it us, ſeeing God hath given thee the honour of an Elder.* Then he addeth, *Adhunc, &c. After this manner ſometimes it happeneth, that youths are found in honour to bi preferred to theſe Elders who ſlothfully and*

negligently lead their life. Theſe Elders then among the Iewes were falſly ſo called: for God tooke away as the man of warre and the Prophet, ſo the Elder from the people of the Iewes. Therefore let the Church pray, that the Elder (worthy to be ſo called) be not taken away from her ſelf. The whole tenor of his diſcourſe importeth, that the Chriſtian Churches had ſuch Elders as wee read to have been in the Jewiſh Church, whereof *Daniel* was one. And of them hee ſeemed to mean a little before, *Habet &c. The Church alſo hath Iudges, who can agree brother and brother.*

In 1 Tim. hom. 10.

Chryſoſtome compareth the Church to a houſe, becauſe as in a houſe there are wife, children and ſervants, and the care or government of all is incumbent to the maſter of the family: So is it in the Church, wherein, beſide the ruler of the ſame, nothing is to bee ſeen, but as it were wife, children, and ſervants, εἰ δὲ κοινωνὸς ἔχει τῆς ἀρχῆς ὁ τῆς ἐκκλησίας προεστὼς, ἔχει καὶ ἡ αὐτὴ τὴν γυναῖκα. *But if the Governour of the Church,* ſaith he, *hath fellows or conſorts in the government thereof, ſo hath the man alſo the wife to be his conſort in the government of his houſe.* If it be ſaid, that by the Ruler of the Church, he meaneth the Biſhop, and by his conſorts preaching Presbyters, who

are

are the Biſhops helpers in the govern-
ment of the Church; I anſwer, If wee un-
derſtand by προεστως the Biſhop, then wee Hom. 11.
make *Chryſoſtome* contradict himſelfe: for in
his next Homily hee ſheweth plainly, that
Presbyters have προστασιαν της ἐκκλησιας, the ru-
ling of the Church as well as Biſhops, and
that the whole purpoſe of his former Ho-
mily agreed to *Presbyters* no leſſe then *Bi-
ſhops*. Now then, who were the conſorts
which Paſtors of Churches, or preaching El-
ders had in the government of the Church?
Could they bee any other then Ruling El-
ders?

Hierome upon that place of Iſaiah, ſaith: *Et
nos habemus in Eccleſia Senatum noſtrum, cœ-
tum Presbyterorum: cum ergo inter cætera etiam
ſenes Iudeæ perdiderit, quomodo poterit habere
concilium quod proprie Seniorum eſt.* And what
ſenſe ſhall we give to theſe words, unleſſe we
ſay it is imported that both the Jewiſh and
the Chriſtian Church had ſuch an Elderſhip
as we plead for. Elſe why did both hee, and
Baſil make ſuch a parallell betwixt the Jewiſh
and the Chriſtian Church in the point of El-
ders? Surely, if we underſtand by the Elders
of the Chriſtian Church whereof they
ſpeake, the Miniſters of the Word alone,
wee muſt alſo underſtand by the Elders of

the Jewiſh Church, whereof they ſpeake, the Prieſts, which no man will imagine.

l. 7. c. 23. *Euſebius* in his Hiſtory citeth *Dionyſius Alexandrinus*, relating his diſputes with the *Chiliaſts* after this manner: *When I was at Arſenoita where thou knoweſt this doctrine firſt ſprung, &c. I called together the Elders and Teachers inhabiting thoſe villages, there being preſent alſo as many of the brethren as were willing to come, and I exhorted them publikely to the ſearch of this doctrine, &c.* By the Teachers here are meant the Paſtors or Miniſters of the Word, who are moſt frequently called by the Fathers Teachers, or Doctors: neither can it bee ſuppoſed that there were any Teachers beſides the Paſtors in theſe rurall villages, which notwithſtanding we ſee had beſide their Paſtors or Teachers, Elders alſo.

Auguſtine writeth his 137. Epiſtle to thoſe of his owne Church at *Hippon*, whom he deſigneth thus: *Dilectiſſimis fratribus, clero, ſenioribus & univerſa plebi Eccleſiæ Hipponenſis cui ſervio in dilectione Chriſti. To my welbeloved brethren the Clergy, the Elders, and the whole people of the Church at Hippon whom I ſerve in the love of Chriſt.* Hee putteth Elders, or Seniors in the middle betwixt the Clergy

Clergy and the people as distinct from both, and yet somewhat participant of both.

Isidorus Hispalensis speaking of the prudence and discretion, which Pastors should observe in teaching of the Word, giveth them this advise among others: *Prius docendi sunt Seniores plebis ut per eos infra positi facilius doceantur. The Elders of the people are to bee first taught, that by them such as are placed under them may be taught the more easily.* Sent. l. 3. c. 43.

Origen speaking of the tryall of such as were to bee admitted members of the Church, saith, *Nonnulli prapositi sunt, &c. There are some Rulers appointed who may enquire concerning the conversation and manners of these that are admitted, that they may debarre from the Congregation such as commit filthinesse.* Contra. Celf. lib. 3.

In the acts of the 5. Councell of *Toledo* according to the late editions, we read that *Cinthila* (whom others call *Chintillanus*) came into that Councell, *cum optimatibus & Senioribus palatii sui.* But *Lorinus* hath found in some ancient copy, *Cum optimatibus & Senioribus populi sui, with the Nobles and the Elders of his people.* I would know who were these Elders of the people distinguished from the Nobles. C. 1. In Act. 4. 5.

The Councell of Carthage held An. 407. Can. 6. maketh mention of Seniors, who were expected from new Germany to come to the Councell, and unto whom the Councell remitted the election of a part of the Judges, who should decide the cause of *Maurentius*. In actis purgationis Cæciliani & Fælicis, we reade, *Episcopi, Presbyteri, Diaconi, Seniores*. Againe, *Clerici & Seniores Carthaginenses*. Sundry letters were produced and read in that conference; One directed *Clero & Senioribus*: another *Clericis & Senioribus*. The letter of *Purpurius* to *Donatus*, speaketh thus, *Adhibete cautiores & Seniores plebis Ecclesiasticos viros & inquirant diligenter quæ sint istæ dissensiones*. August. lib. 3. contra Cresc. c. 56. *Peregrinus presbyter & Seniores Ecclesiæ Mustitanæ regionis*. Againe, Serm. 19. de verb. Dom. Cum ob errorem aliquem à Senioribus arguimur & imputatur alicui de illis cur Ebrius fuerit, &c. Epistola Synodalis Concilii Carthaginensis apud eundem August. enar. in Psal. 36. Necesse nos fuerat Primiani causam, quam plebs sanctæ Carthaginensis Ecclesiæ Episcopum fuerat in ovile Dei sortita, Seniorum literis ejusdem Ecclesiæ postulantibus audire atque discutere. Optat. lib. 1. adv. Parmen. erant Ecclesiæ ex auro & argento quam plurima ornamenta, &c. quasi (others read quas) fidelibus Senioribus commendavit. And after, Convocantur supra memorati Seniores, &c. Gregor. M. lib. 11. Ep. 19. Si quid de quocunque Clerico ad aures tuas pervenerit, quod te juste possit offendere, facile non credas, sed præsentibus Ecclesiæ tuæ Senioribus diligenter est perscrutanda veritas, & tunc qualitas rei popoposcerit, Canonica districtio culpam ferire delinquentis. Epist. Synodalis Concil. Pictavien. apud Gregor. Turon. l. 10. c. 16. de sponsalibus quoque ait coram Pontifice Clero vel Senioribus pro nepte sua orphanula arras accepisse.

These things may suffice from antiquity to give some evidence that the office of ruling Elders is not *Calvins* new fangled devise at *Geneva*, as our adversaries are pleased to call it: but for further confirmation of this point, *Voetius disp. 2. de Senio.* and before him *Iustellus in annot. & notis in cod. Can. Eccles. Afric. Can.* 100. hath observed sundry other pregnant testimonies from antiquity for ruling Elders, especially out of these notable records *Gesta purgationis Caciliani & Felicis*, to be seen in the Annals of *Baronius*, An. 103. and in *Albaspinæus* his edition of *Optatus*. These testimonies I have here set downe in the Margine.

From

From which paſſages it is apparant, that in the dayes of *Ambroſe* theſe Seniors were neither in all places, nor altogether growne out of uſe; but that both in the Eaſterne and Weſterne Churches, manifeſt footſteps of the ſame remained: neither is his teſtimony before alledged, repugnant hereunto: for we may underſtand his meaning to be either that in ſome places, or that in ſome ſort, they were growne out of uſe, becauſe peradventure the Teachers beganne to doe ſomethings without their counſell and advice which in former times was not ſo. *Bilſon* anſwereth two waies to the teſtimony from the 137. *Epiſt. of Auguſt.* and belike hee would have anſwered in the ſame manner to theſe other teſtimonies, he ſaith we may underſtand by theſe Seniors either the better part of the Clergy, or the Senators & Rulers of the City. That they were neither Biſhops nor preaching Presbyters, nor Deacons, it is manifeſt, for they are diſtinguiſhed from all theſe, *In act. purgat. Cacil. & Fal.* and they are called by *Iſiaure* and *Porpurius*, *Seniores plebis.* Beſides, it were ſtrange if *Auguſt.* Biſhop of *Hippo* writing to his Clergy, ſhould diſtinguiſh either the Deacons from the Presbyters by the name of the Clergy which was common to both, or ſome preaching Presbyters

De gubern. Eccleſ. c. 11. p. 225.

byters from other preaching Presbyters, by the name of Seniors. On the other part, that they were not Magistrates of Cities, it is no lesse plaine: for they are called *Seniores Ecclesiæ*, and *Ecclesiastici viri*, they instructed the people, and had place in judging of causes Ecclesiasticall.

Ibid. pag. 253. But elsewhere *Bilson* taketh upon him to prove, that those of the Clergie who were by their proper name called Presbyters, were also called *Seniores*, as those who came neerest to the Bishop in degree, wisedome, and age. And this he proveth by a testimony of *Ambrose*. Off. l. 1. c. 20. *Viduarum ac virginum domos nisi visitandi gratia Iuniores adire non est opus & hoc cum Senioribus, hoc est cum Episcopo, vel si gravior est causa cum Presbyteris.* Answ. 1. Here the Seniors are the Bishop, which is neither good sense, nor any thing to his purpose. 2. Hee hath left out a word, without which the sentence cannot be understood, and that is *vel*: *Ambrose* saith, *Hoc est vel cum Episcopo, &c.* and so the words may suffer a threefold sense: for either *Seniores* is here a name of age or of office. If it bee a name of age, as may bee presumed by the opposition thereof to *Iuniores*, then the meaning of *Ambrose* is, that young men should not goe into the houses of virgins or widowes, except it bee with some

ſome men of age, and theſe to bee the Biſhop or the Presbyters. If it be a name of office, then may wee either underſtand, that by the Presbyters he meaneth ruling Elders, and by the Biſhop the Paſtor of any particular Church, (for if *Whitaker* be not deceived, Paſtors have the name of Biſhops, not onely in Scripture, but in the ancient Church alſo:) Or that hee comprehendeth under the order of Elders, not onely the Preaching Presbyters, but the Biſhop alſo, who was chiefe among them. By the firſt ſenſe *Biſſon* doth gaine nothing; by the other two hee hath worſe then nothing: for any of them deſtroyeth his chiefe grounds.

Coatrov. 3. de Concil. queſt. 3.

CHAP. X.

The conſent of Proteſtant Writers, and the confeſſion of our oppoſites for ruling Elders:

THE office of Ruling Elders is not onely maintained by *Calvin*, *Beza*, *Cartwright*, *Ameſe*, *Bucerus*, and others whom our oppoſites will call partiall Writers, let him who pleaſeth read the commentaries of *Martyr*, *Bucer*, *Gualther*, *Hemmingius*,

mingius, *Piſcator*, *Paræus* upon Rom.12.8. 1 Cor.12.28. *Aretius* on Act. 14.23. *Zepper. de Polit. Eccleſ. l.3. c.1. & 12. Bullinger* on 1 Tim.5.17. *Arcularius* on Act.14.23. *Catal.Teſt.verit. col* 103. *Oſiand. cent* 1 *l.4.c.* 11. *Chemnit exam part* 2. *pag.*218 *Gerard. loc.Theol. tom.*6 *pag.*363 364. *Muſcul. loc. com.de Eccleſ.c.*5 *Bucan.loc com.loc* 42.*Suetanus de Diſcipl. Eccleſ. part.*4 *c.*3. *Polanus Syn.l.*7.*c* 11. *Zanchius in* 4 *præcep col.*727. *Iunius animad.in Bell r cont* 5.*l* 1.*c* 2 *Danæus de Polit.Chriſt. l.*6 *p* 452. *Alſted.Theol. caſ.pag.*518.520. *Sopingius ad bonam fidem Sibrandi.pag.*253. *&c.* The Profeſſours of Leyden, *Syn.pur.Theol.Diſp.*42. and ſundry others, whoſe teſtimonies I omit for brevities cauſe, it is enough to note the places. The Author of the Aſſertion for true and Chriſtian Church policie, pag. 196. 197. citeth for ruling Elders, the teſtimony the Commiſſioners of King *Edward* the fixt, authoriſed to compile a booke for the reformation of Lawes Eccleſiaſticall; among whom were the Archbiſhop of Canterbury, and the Biſhop of Ely. They ſay, *Let the Miniſter going apart with ſome of the Elders, take counſell, &c. Voetius* citeth to the ſame purpoſe, *Marlorat, Hyperius, Fulke, Whittaker, Fenner, Bunnius, Willet, Sadeel, Lubbertus, Trelcatius* (both

(both the one and the other) yea *Socinus* and the Remonſtrants.

Beſides we have for us the practiſe of al wel reformed Churches, and the Confeſſions of the *French*, the *Belgicke*, and the *Helveticke* Churches to be ſeene in the harmony of Confeſſions.

But what will you ſay if the adverſaries of ruling Elders be forced to ſay ſomewhat for them? *Whitgift* confeſſeth not onely that our diviſion of Elders, into preaching Elders and ruling Elders, hath learned patrons; but alſo that the Chriſtian Church when there was no Chriſtian Magiſtrate had governing Seniors: and elſewhere he ſaith, *I know that in the Primitive Church, they had in every Church Seniors, to whom the government of the Congregation was committed.* *Saravia* lendeth them his word likewiſe, *Quod à me, &c. Which is not diſputed by mee in that meaning that the Belgicke Churches, or any other which doe with edification uſe the ſervice of theſe Elders, ſhould raſhly change any thing, before that which is better bee ſubſtitute.* Againe, ſpeaking of the government of ruling Elders; he ſaith, *Quod ut, &c. Which as I judge profitable and good to bee conſtitute in a Chriſtian Church and Common-wealth, ſo I affirme no Church, no Common-wealth to bee*

Def. tract. 17. cap. 1.

Anſwer to the Admonit. p. 114.

Ubi ſupra cap. 9. p. 104.

Ib. cap. 11. p. 118.

bound thereto by Divine Law: except perhaps necessity compell, or great utility allure, and the edification of the Church require it. Loe here the force of truth struggling with one contrary minded. Hee judgeth the office of ruling Elders, profitable and good, yet not of divine right; yet hee acknowledgeth that necessity, utility, and the edification of the Church, maketh us tyed to it even by divine right. But if it be profitable and good, why did he call in question the necessity, at least the utility and the edification of it? can one call in question the utility of that which is profitable? he would have said the truth, but it stucke in his teeth, and could not come forth. *Sulpitius de concil. lib. 1. cap. 8.* saith that among the Jewes, *Seniores tribuum*, the Elders of the Tribes did sit with the Priests in judging controversies of the Law of God. Hence hee argueth against *Bellarmine*, that so it ought to bee in the Christian Church also, because the priviledge of Christians is no lesse then the priviledge of the Jewes. *Camero* tells us, that when the Apostle, 1 Cor. 6. reproveth the *Corinthians*, for that when one of them had a matter against another, they brought it not to the Saints to bee judged by them; hee meaneth not by the Saints, the promiscuous multitude, *sed eos*

Prælect. tom. 2. p. 34.

qui

qui in Eccleſia conſtituti erant, ut vacarent gubernationi Eccleſiæ: that is, *thoſe who were ordained in the Church, to give themſelves to the government of the Church.* My Lord *Craigtonne* finding the ſtrength of that Argument, that if beſide the Miniſters of the Word, other grave and wiſe Chriſtians may be preſent in the greateſt Aſſemblies and Councels of the Church, why not in Presbyteries alſo? anſwereth, that indeed it is not amiſſe that the wiſer ſort among the people be joyned as helpers and aſſiſtants to the Paſtors, providing that this their auxiliary function be not obtruded as neceſſary. This is ſomewhat for us; but we ſay further, if it be neceſſary in Oecumenicke Councells (for no leſſe doe the Arguments of our Divines in that queſtion with the Papiſts conclude) then is it neceſſary in Presbyteries alſo.

De regia primatu lib. 1. p. 68.

CHAP. XI.

Doctor Fields *five Arguments againſt ruling Elders anſwered.*

HIS firſt Reaſon that moveth him to thinke there were never any ſuch in the

Church, is becauſe Biſhops, Presbyters, that preach and miniſter the Sacraments, and Deacons, howſoever they much degenerated in later times, yet all ſtill remained in all Chriſtian Churches throughout the World, both Greeke and Latine, in their names and offices alſo in ſome ſort. But of theſe ruling Elders, there are no foot-ſteps to bee found in any Chriſtian Church in the World, nor were not for many hundred yeares; whereas there would have beene ſome remaines of theſe as well as the other, had they ever had any inſtitution from Chriſt or his Apoſtles, as the other had. To this wee anſwer. 1. If the Chriſtian Churches throughout the World had wanted ruling Elders longer then they did, yet preſcription can be no prejudice to the ordinance of God. 2. After that the golden age of the Apoſtles was ſpent and gone, exact diligence was not taken, to have the Church provided with well qualified Miniſters, but many unfit men, yea, ſundry heretickes entred into that ſacred vocation, whereby it came to paſſe that corruption and errour overflowed the Churches, as both *Euſebius* proveth from *Ægeſippus* and *catalogus teſtium veritatis* from *Irenæus*. Might not this be the cauſe of changing the office-bearers

Eccleſ. hiſt. lib. 3. c. 32. 35. Col. 103.

and

and government of the Church. 3. In the Roman, yea in Prelaticall Churches there are ſcarce any foot-ſteps at all of the offices of preaching Presbyters, and Deacons, as they were inſtituted by the Apoſtles. The Apoſtles ordained Presbyters to preach the Word, to miniſter the Sacraments, to governe the Church, and to make uſe of the keyes. But the Popiſh and Prelaticall Presbyters have not the power of the keyes, nor the power of Church government, for it is proper to their Prelates; as for the other two they are common to their Deacons, for they alſo doe preach and baptiſe. The office of the Popiſh Prieſt ſtandeth in two things, to conſecrate and offer up the body of Chriſt, and to abſolve the faithfull from their ſinnes: See *Conci. Triden. de ſacr. Ordin. cap. 1. Hier. Savanarola. Triumph. cruc. lib. 3. cap. 16.* And the ſame two make up the proper office of the Prieſt by the order of the Engliſh Service Booke. As touching Deacons, they were ordained by the Apoſtles for collecting receiving, keeping, and diſtributing of Eccleſiaſticall goods, for maintaining of Miniſters, ſchooles, Churches, the ſicke, ſtranger, and poore. The Popiſh and Prelaticall Deacons have no ſuch office, but an office which the Apoſtles never appointed to them; for they

they had no preaching nor baptising Deacons. *Philip* preached and baptised, not as a Deacon, but as an Evangelist, Acts 21.8. Besides at the time of his preaching and baptising, hee could not have exercised the office of his Deaconship, by reason of the persecution, which scattered rich and poore and all, Acts 8. 1. that which *Steven* did, Acts 7. was no more then every believer was bound to doe, when he is called to give a testimony to the truth, and to give a reason of his faith and practice. 4. Others of the faithfull, besides the Ministers of the Word, have beene admitted unto Councells and Synods by many Christian Churches throughout the World, as is well knowne; and this is a manifest foot-step of the government of ruling Elders. 5. Nay in the Church of *England* it selfe, at this day, there are foot-steps of ruling Elders, else what meaneth the joyning of Lay-men with the Clergy in the high Commission to judge of matters Ecclesiasticall? *Saravia* saith, the Churchwardens which are in every Parish of *England*, have some resemblance of ruling Elders, whose charge appointed by law, he saith, is to collect, keepe, and deburse the goods and revenues of the Church, to preserve the fabricke of the Church, and all things pertaining thereto

Ubi supra, cap. 12. p. 124.

thereto ſure and ſafe, to keep account of baptiſmes, mariages, and burials, to admoniſh delinquents & other inordinate livers, to delate to the Biſhop or his ſubſtitutes, ſuch as are incorrigible, & ſcandalous, being ſworn thereto: alſo to obſerve who are abſent frō the praiers in the Church upon the Lords dayes, & upon the holy dayes, & to exact from them the penalty appointed by law, and finally to ſee to quietnes & decency in time of divine ſervice.

Doctor *Fields* ſecond reaſon is for that *Paul*, 1 Tim. 3. ſhewing who ſhould be Biſhops and Miniſters, who Deacons, yea, who Widowes; paſſeth immediatly from deſcribing the qualitie of ſuch as were to be Biſhops and Miniſters of the Word and Sacraments, to the Deacons, omitting theſe ruling Elders that are ſuppoſed to lye in the midſt betweene them, which he neither might nor would have omitted, if there had beene any ſuch. To this the anſwer is eaſie. 1. As we collect the actions and ſufferings of Jeſus Chriſt, and the inſtitution of the laſt ſupper, not from any one of the Evangeliſts, but from all of them compared together, for that one toucheth what another omitteth; ſo doe we judge of the office-bearers of the Church not from 2 Tim. 3. only, but from the collation of that and other places of Scripture of that kind. Ruling Elders are found in other places, and in the fifth Chapter of that

ſame Epiſtle, though not in the third. 2 Neither were there any abſurdity to hold, that the Apoſtle in that third Chapter comprehendeth all the ordinary office-bearers in the Church under theſe two Biſhops and Deacons, and that under the name of Biſhops, he comprehendeth both Paſtors, Doctors, & ruling Elders: for as al theſe three are overſeers, ſo to them all agree the qualities of a Biſhop here mentioned, whereof there is only one, which ſeemeth not to agree to the ruling Elder, *viz.* that he ſhould be apt to teach, verſ. 2. Yet *Beza* maintaineth againſt *Saravia*, that the ruling Elder teacheth as wel as the Paſtor, only the Paſtor doth it publickly to the whole congregation; the ruling Elder doth it privately, as he findeth every one to have need. And we have ſhewed before that as a private Chriſtian is bound in charity to teach the ignorant, ſo the ruling Elder is bound to doe it *ex offitio*.

De div. gra. miniſt. cap. 9.

The third reaſon, which Doctor *Field* bringeth againſt us, is, for that neither Scripture nor practice of the Church, bounding the government of ſuch governours, nor giving any direction how farre they may goe in the ſame, and where they muſt ſtay, leſt they meddle with that they have nothing to doe with, men ſhould bee left to a moſt

dangerous

dangerous uncertainety in an office of ſo great conſequence. Our anſwer to this is: 1. Wee have ſhewed already the certaine bounds of the power and vocation of ruling Elders. 2. It was not neceſſary that the Apoſtle ſhould ſeverally ſet downe Canons and directions: firſt, touching Paſtors, then Doctors; laſtly, ruling Elders, ſince they are all Elders, and all members of the Elderſhip or Presbytery; it was enough to deliver canons and directions common to them all, eſpecially ſince the duties of ruling Elders are the ſame which are the duties of Paſtors, only the Paſtors power is cumulative to theirs, and over reacheth the ſame in the publicke miniſtery of the Word and Sacraments, and ſo doth *Paul* difference them, 1 Tim. 5. 17.

His fourth reaſon is, becauſe we fetch the paterne of the government of ruling Elders, from the Sanedrim of the Jewes, the platforme whereof wee ſuppoſe Chriſt meant to bring into his Church, when he ſaid, *Tell the Church*; whereas, ſaith he, it is moſt cleere that the court was a civill court, and had a power to baniſh, to impriſon, yea and to take away life, till by the Romans the Jewes were reſtrained. Wee anſwer that *Beza de Presbyterio. I. B. A. C. De polit. civil. & Eccl.*

De poli. Eccl. lib. 3 cap. 7. In Deut. 17. ibid. In 2. Reg. 23. Moſes and Aaron. lib. 5. cap. 1. De guber. Ec. pag. 62. Harm. de paſſ. cap. 8.

Eccl. lib. 2. Alſo *Zepperus*, *Iunius*, *Piſcator*, *Wolphius*, *Godwin*, *Bucerus*, *Gerard*, And ſundry others have rightly obſerved that the Eccleſiaſticall Sanedrim among the Jewes was diſtinct from the civill, yet both called by the name of Sanedrim. Wee grant with *Beza* that ſometimes civill cauſes were debated and determined in the Eccleſiaſticall Sanedrim, but this was done πνευματικῶς, *non* πολιτικῶς, as he ſaith, the fact which was meerely civill was judged in the civill Sanedrim, but when the civill Judges could not agree *de jure*, even in civill cauſes, in that caſe reſolution was given by the other Sanedrim; as in like caſes by the juriſ-conſults among the *Romans*, for the conſervation and interpretation of the law did belong to the Leviticall Tribe. Hence it is that we read 2 Chron. *19.* 8. 11. *Iehoſaphat* ſet in *Ieruſalem* of the Levits, and of the chiefe Prieſts, and of the chiefe of the Fathers of Iſrael, ſome for the Lords matters, among whom preſided *Amariah* the chiefe Prieſt, and ſome for the Kings matters, among whom preſided *Zebadiah* the Ruler of the houſe of Judah. *Saravia* ſaith this place proveth not that there were two diſtinct conſiſtories, one for civill, another for Eccleſiaſticall things; becauſe, ſaith he, by the Kings matters are

Ubi ſup. ca. 11. pag. 119.

meant

meant matters of peace, and warre by the Lords matters, the matters of law and judgement which are called the Lords matters, becauſe the Lord was the author of their civill lawes; what a crazie device is this? did not matters of peace and warre come under the civill lawes, which God had delivered to the Jewes, as well as any matter of judgement betwixt man and man? and what can bee more plaine then that the Lords matters or things pertaining to God, when they are differenced from other matters, are ever underſtood to bee matters ſpirituall and Eccleſiaſticall? *Quapropter*, wherefore ſaith *Iunius*, *the Readers are to be warned whoſoever they bee that conſult the hiſtories of ancient times, that where they read the name Synedrium, they wiſely obſerve whether the civill Aſſembly or the Eccleſiaſtical be meant of, becauſe that name was confuſed, and indiſtinct, after the times of Antiochus.*

Deut. 20. and 21. and 24.

Heb. 5. 1.

In Deut. 17.

But notwithſtanding that in theſe latter times all good order had much degenerate and growne to confuſion, yet it ſeemeth to me, that even in the dayes of our Saviour Chriſt, the Civill and Eccleſiaſticall courts remained diſtinct, let me ſay my opinion with all mens leave, and under correction of the more learned, that night that our Lord was betrayed, he was led to the Hall of *Caiaphas*,

where there was holden an Eccleſiaſticall Sanedrim, which asked Jeſus of his Diſciples, and of his doctrine, received witneſſe againſt him, and pronounced him guilty of blaſphemy, *Mat.*27.57. *Mark* 14.53.55. *Ioh.* 18.19. Nothing I finde in this Councell why we ſhould think it civill: for as touching the ſmiting and buffeting of Chriſt, *Mat.* 26.67. *Luk* 22.63. ſome think it was by the ſervants of the high Prieſts and Elders after that they themſelves had gone home, & left the Councell; howſoever, it was done tumultuouſly, not judicially, and tumults may fall forth in any Judicatory whether civill or Eccleſiaſtical As for the ſentence which they gave, *Mat.* 26.66. *He is guilty of death*, it proveth not that this was a civill Court: for juſt ſo, if an inceſtuous perſon ſhould bee convict before an Aſſembly of our Church, the Moderator might ask the Aſſembly, what think ye? and they might well anſwer, He is guilty of death, away with him to the Magiſtrate. Shortly then the matter debated in this nocturnall Councell, was meerly Eccleſiaſticall, and the accuſation of ſedition and making himſelfe a King, were not ſpoken of till he was brought before *Pilat* But there was another Sanedrim convocat in the morning *Mat* 27 1. *Mark* 15. 1 *Luk* 22 66. and this ſeemes to have been not Eccleſiaſticall but Civill, 1. becauſe they meddle

meddle not with the triall of his doctrine, nor any examination of witnesses thereanent: only they desire to heare out of his own mouth, that which hee had confessed in the other Councell, viz. that he was the Christ the Son of God; whereupon they take counsell how they might deliver him to *Pilate*, which was the end of their meeting. 2. *Mark* saith, *they bound him, and carried him away to Pilate.* 3. The Ecclesiasticall Councell had already done that which they thought pertained to them: for what should they have convened again? Some say, that all the high Priests, Scribes and Elders, were not present at that nocturnall councell, and that therefore they convened more fully in the morning. But that the nocturnall Councell was fully convened, it is manifest from *Mat.* 26. 59. *Mark* 14. 53. 55. 4. This last Councell led Jesus away to *Pilate*, and went themselves with him to accuse him before *Pilate* of sedition, and of making himselfe a King, *Luk.* 23. 1. 2. *Mat.* 27. 12. 5. They complain that the power of capitall punishment was taken from them by the Romans, importing that otherwise they might have put him to death by their law, *Iob.* 18. 31.

Now D. *Fields* last reason is, For that all Fathers or Councels mentioning Elders, place them betwixt Bishops and Deacons, and make them to be Clergy men, and that in the Acts where

where the Apoſtles are ſaid to have conſtitute Elders in every Church, Paſtors are meant, is ſtrongly confirmed from Act. 20. 17. 28. where the Elders of the Church of Epheſus are commanded *to feed the flocke of Chriſt over which they were appointed over-ſeers*, whence it followeth inevitably, that they were Paſtors. We anſwer, 1. *Ambroſe* ſpeaketh of Elders which were not Paſtors. 2. *Beza* & *Gualther* expound the place Act. 14. 23. where the Apoſtles are ſaid to have ordained Elders through every Church, of ruling as well as preaching Elders. 3. As for that which he alledgeth from Act. 20. *Beza*, *Iunius*, and the Profeſſors of *Leyden*, hold, that the names of Biſhops and Paſtors are common both to ruling and preaching Elders, and that the Scripture giveth theſe names to both, howſoever in Eccleſiaſtical uſe for diſtinctiõs cauſe, they are appropriate to teaching Elders. Surely the ruling Elder both overſeeth the flocke and feedeth the ſame, both by diſcipline, and by private admonition; and for theſe reſpects may bee truly called both Biſhop and Paſtor. 4. How ſmall reaſon hee hath to boaſt of the Fathers, we have already made it to appeare. 5. It is a begging of the queſtion to reaſon from the appropriation of the name of Elders to the Paſtors.

Cont. Satav. Ubi ſup. c. 12. Com. in act. 14

Ubi ſup. cap 9. Eccleſ. lib. 2. cap. 1. Cenſ. in confeſſ. cap. 21. pag. 275.

CHAP. XII.

The extravagancies of Whitgift *and* Saravia *in the matter of ruling Elders.*

THese two Disputers, doe not (as D. *Field*) altogether oppose ye government of ruling Elders, but with certain restrictions, about which notwithstanding they differ betwixt themselves. *Whitgift* allowerh of ruling *Elders* under a Tyrant, but not under a Christian Magistrate, but sayeth they cannot be under an *infidell Magistrate*. Me thinkes I see here *Sampsons* Foxes, with their tailes knit together, and a firebrand betwixt them, yet their heads looking sundry wayes. To begin with *Whitgift*, he saith in one place, *I deny that in the primitive church, they had in every church seniors, to whom the Government of the Congregation was committed, but that was before there was any Christian Prince or Magistrate &c.* In another place, *My reason, why it* (the Church) *may not be governed under a Christian Magistrate, as it may under a Tyrants is this: God hath given the chiefe authority in the government of the Church to the Christian Magistrate, which could not bee so, if your Seigniory might as well restraine* Answ. to the admon. pag. 114.

their authority under a Christian Prince, and in the time of peace, is under a Tyrant, and in the time of persecution; for tell me, I pray you, what authority Ecclesiasticall remaineth to the civill Magistrate, where this Seigniory is established?

Hee who pleaseth may find this opinion largely confuted by *Beza de Presbyterio contra Erasmum*, and by *I. B. A. C. polit. civil. & Eccles.* In the meane while I answer. First, *T. C.* had made a sufficient Reply hereunto (which *Whitgift* here in his defence should have confuted, but hath not) *viz.* That if the Seniors under a Tyrant had medled with any Office of a Magistrate, then there had beene some cause why a godly Magistrate being in the Church, the Office of a Senior, or at least so much as hee exercised of the Office of a Magistrate should have ceased. *Reply p. 140*

But since they did onely assist the Pastor in matters Ecclesiasticall, it followeth, that as touching the Office of Elders, there is no distinction betwixt times of Peace and Persecution. Secondly, There were Seniors among the Jewes under Godly Kings, and in times of Peace: Why not likewise amongst us? Thirdly, The Ecclesiasticall power

power is distinct from the civill, both in the subject, object, and end; so that the one doth not hinder the other: The Magistrates power is to punish the outward man with an outward punishment, which the Presbytery cannot hinder, for he may civilly bind whom the Presbytery spiritually looseth, and civilly loose, whom the Presbytery spiritually bindeth, and that because the Magistrate seeketh not the repentance and salvation of the delinquent by his punishment (as the Presbytery doth) but onely the maintenance of the authority of his lawes, together with the quietnesse and preservation of the *Common-wealth*.

Whence it commeth, that the delinquent scrapeth not free of the Magistrate, though hee bee penitent and not obstinate. 4. How thought *whitgift*, that the christian Magistrate can doe those things which the Seigniory did under a Tyrant? Can the Magistrate by himselfe determine questions of Faith? Can he know what order and decencie in circumstances is fitted for each Congregation? Can he excommunicate offenders, &c. 5. When Bishops exercise Ecclesiasticall jurisdiction (yea and the civill too) this is thought no wrong to Princes:

Is it a wrong in the *Presbytery*, yet not in this *Prelacy*? Good Lord what a Mysterie is this! 6. When *Presbyters* are established in their full power, there remaineth much power to the Prince even in things Ecclesiasticall, as to take diligent heed to the whole estate of the Church within his dominions, to indict Synods, and civilly to proceed in the same, to ratifie the constitutions there of, and to adde unto them the strength of a civill sanction, to punish *Heretickes*, and all that disobey the assemblies of the Church, to see that no matter Ecclesiasticall be carryed factiously or rashlie, but that such things bee determined in free assemblies, to provide for Schollers, Colledges, and Kirkes, that all corrupt wayes of entring into the Ministery, by Simony, bribing patrons &c. be repressed, and finally to compell all men to doe their duty according to the Word of God, and Laws of the Church. 7. Whatsoever be the power of the supreame Magistrate, *Ecclesiastica, &c. Not let him leave to the Church and to the Ecclesiasticall Rulers (such as are the Ministers of the Gospell, Elders and Deacons) their owne power in handling Ecclesiasticall things, untouched and wholesaith Danæus.* For the Ecclesiasticall

Pol. Christ. l. 6 pag. 452.

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power doth no more hinder the civill administration, then the Art of singing hindereth it, saith the Augustan confession. 8. We may answer by a just recrimination, that the Prelacy (not the Presbytery) is prejudiciall to the power of Princes, and hath often incroached upon the same. The Bishops assembled in the eight Councill of *Constantinople*; ordained that Bishops should not light from their horses, when they chance to meet Princes, nor basely boy before them, and that if any Prince should cause a Bishop to disparage himselfe by doing otherwise, he should be excommunicated for two yeares. They also discharged Princes from being present in any Synod, except the Oecumenicke. The 1. Councill of *Toledo* ordaineth that *Quoties Episcoporum Hispanorum Synodus convenerit, toties universalis Concilii decretum propter salutem Principum factum, peractis omnibus in Synodo recitetur, ut iniquorum mens territa corrigatur*. From which canon *Osiander* collecteth, that some of the Bishops were not faithfull and loyall to the Kings of *Spaine*. The inquisition of *Spaine Anno* 1568. presented to King *Philip* twelve Articles against the *Netherlands*, one whereof was, *That the King write unto and command the Clergie of the Netherlands, that with the Inquisition they should accept of*

Aff. de potest. Eccl.

Can. 14.

Can. 17.

Can. 7

Hist. of the Netherlandt lib. 9. page 309.

15. *new Bishops, the which should be free from all secular jurisdiction, yea in cases of Treason.* Now as touching the contrary conceit of *Saravia*, he alloweth such Elders as the *Iewish* Church had to be joyned now with Pastors under a Christian Magistrate, but under an *Infidell* Magistrate, hee saith they could have no place; for he taketh the *Iewish* Elders to have bin their Magistrates, & that in like manner, none but Christian Magistrates should sit with the Ministers of the Word in Ecclesiasticall *Courts*, Princes and Nobles in generall or Nationall Councills, and Magistrates of cities in particular consistories. This is as foule an error, as that of *whitgift*; for 1. His opinion of the *Iewish Elders*, that they were their Magistrates we have confuted before. 2. Though it were so, that no Ruling Elders ought to be admitted, now except Christian Magistrates, yet might they have place under an *Infidell* Prince: as *Joseph* under *Pharaoh*, *Daniell* under *Nebuchadnezar*. There have beene both Christian Churches, and Christian Magistrates under Heretical, yea *Infidell* Princes 3. If Christian Magistrates be come in place of the *Iewish* Seniors, and ought to be joyned with the Ministers of the Word in the consistories of the church.

de div. grad. minist. evāg. cap. 11. *P.* 110. 114. 116.

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We demand *quo nomine, quo jure?* whither doe they ſit as Chriſtian Magiſtrates, or as men of ſingular gifts choſen for that effect? Jf as Magiſtrates then ſhall we make a mixture and confuſion of civill & Eccleſiaſticall function, elſe how ſhall men by vertue of civill places ſit in ſpirituall Courts? Jf as men of ſingular gifts choſen to ſit, then may others aſwell as they having the like gifts and election be admitted to ſit alſo. 4. *Saravia* contradicteth himſelfe, for a little after he admitteth grave and godly men in the judicatories of the Church, whither they be Magiſtrates or privat men, *ſive illi magiſtratu fungantur ſive in rep. vivant privati.* *Ibid. p.* 120

Chap.

CHAP. XIII.

Whether Ruling Elders have the power of decisive voyces, when they sit in Presbyteries and Synods.

THere are sundry questions propounded by D. *Field* and other adversaries of Ruling Elders, whereinto they thinke wee are not able to satisfie them, as 1. Whether *Ruling Elders* ought to have decisive voyces, even in questions of Faith and Doctrine, and in the tryall and approbation of Ministers? 2. Whether these Elders must be in every Congregation with power of ordination, deprivation, suspension, excommunication, and absolution, or whether this power bee onely in Ministers and Elders of divers Churches concurring? 3. If they be Ecclesiasticall persons, where is their ordination? 4. Whether these offices be perpetuall or annuall, and but for a certaine time?

5. Whe-

Whether they ought to serve freely or to have a stipend? Touching the first of these; since the reformation which *Luther* began, it was ever maintained by the Protestat writers, that not the Ministers of the word alone, but some of all sorts among Christians ought to have decisive voices in Councils. But Dr. *Field* will admit none to teach and define in Councils, but the Ministers of the word onely: others he permits onely to consent unto that which is done by them. *Saravia* alloweth grave and learned men to sit with the Ministers of the word, yet not as Iudges, but as Counsellors and Assessors onely. *Tilen* will not say that the Bishops and Pastors of the Church ought to call any into their Councill, but that they may doe it when there is need. Against whom and all who are of their mind we object. 1. The example of Apostolicke Synods. *Matthias* the Apostle after Gods owne designation of him, by the lot which fell upon him, was chosen by the voices, not onely of the Apostles, but the other Disciples, who were met with them *Act.* 1. 26. συνεψηφίσθη *i.e. Simul suffragiis electus est*, as *Arias Montanus* turneth it. For the proper and native signification of συνεψηφίζομαι, as *Lorinus* sheweth out of *Gagueius*, is to choose by voices. The Professors of *Leyden* have noted

Lib. 5. *c.* 49.

Ubi supra c. 9. *p.* 93. 94.

Paren. c. 11.

In Act. 1. 26.

red this *consensus Ecclesiæ per vocem* in the election of *Matthias Cens. in Confess. cap.* 21. In the Councill of *Hierusalem Act.* 15. we find that beside the *Apostles* the *Elders* were present, and voiced definitively, for they by whom the Decree of the Synod was given forth, and who sent chosen men to *Antioch*, were the Apostles and Elders, *Gerard, Loc. Theol. com. 6. n.* 28. and *the Professors of Leyden, cens. in conf. c.* 21. understand that the Elders spoken of *v.* 5. *&* 6. were the ruling Elders of the Church of *Hierusalem*, joyned with the *Apostles*, who laboured in the word. Other Protestāt writers understand by the name of *Elders* there, both preaching and ruling *Elders*. The Brethren, that is the whole Church, heard the disputes, and consented to the Decrees, *v.* 21. 22. 23 Ruling Elders behoved to doe more then the whole Church, that is voice definitively. *Lorinus* the Jesuite saith, that by the name of *Elders* there, wee may understand not onely Priests, but others besides them. *Viz. antiquiores & auctoritate præcellentes discipulos, Disciples of greatest age and note.* And this he saith is the reason why the vulgar Latine hath not retained in that place the Greeke word *Presbyteri*, but readeth *Seniores*. 2. Wee have

for

for us the example of Ecclesiasticall Courts among the *Jewes*, wherein the *Jewish* Elders had equall power of voicing with the Priests, and for this we have heard before, *Saravia's* plaine confession. 3. The example of ancient Councils in the Christian Church. *Constantine* in his Epistle which he wrote to the Churches, concerning the *Nicene* Councill saith; *I my selfe as one of your number was present with them (the Bishops)* which importeth that others of the Laity voiced there with the Bishops as well as he, and hee as a chiefe one of their number. *Euagrius lib. 2. cap. 4.* saith, that the chiefe Senators sate with the Bishops in the Councill of *Chalcedon*. And after he saith, *The Senators decreed as followeth.* The fourth Councill of *Carthage*, *c.* 27. speaking of the transportation of a Bishop or of any other Clergie man, saith, *sane si id Ecclesiæ vtilitas fiendum poposcerit, decreto pro eo clericorum & laicorum Episcopis porrecto, in præsentia Synodi transferatur.* The Decrees of the Synod of *France* holden by *Charlemaine* about the yeare 743. are said to have beene made by the King, the Bishops, the Presbyters, and Nobles. Many such examples might we shew, but the matter is so cleere that it needeth not. 4. The Review of the Councill of *Trent* written by a Papist, among

Caranza in summa concil. p. 357.

Lib. 1. cap. 8.

among other causes of the Nobility of that Councill maketh this one, that Lay-men were not called nor admitted into it, as was the forme of both the Apostolicke and other ancient Councils, shewing also from sundry Histories and examples, that both in *France*, *Spaine*, and *England*, Lay-men vsed to voice and to judge of all matters that were handled in Councils: alleaging further the examples of Popes themselves. That *Adrian* did summon many *Lay-men* to the *Lateran* Councill, as members thereof, that in imitation of him Pope *Leo* did the like in another Councill at the *Lateran* under *Otho* the first, and that Pope *Nicholas in Epist. ad Michael Imperat.* acknowledgeth the right of *Lay-men* to voice in Councils, wherein matters of faith are treated of, becaus faith is common to all. The same writer sheweth also from the Histories, that in the Councill of *Constance*, were 24. Dukes, 140 Earles, divers Delegates from Cities and Corporations, divers learned Lawyers, and Burgesses of Universities, 5. The Protestants of *Germany*, did ever refuse to acknowledge any such Councill wherein none but Bishops and Ministers of the word did judge. When the Councill of *Trent* was first spoken of in the Dyet at *Norimberg*, *Anne* 1522. all the estates of *Germany* desired

ibid.

Videfasciculum rerum expetendarum.

desired of Pope *Adrian* the 6. That admittance might be granted as well to *Laymen* as to *Clergie-men*, and that not onely as witnesses and spectators, but to be judges there. This they could not obtaine, therefore they would not come to the Councill, and published a booke which they entituled, *Causa cur Electores & cæteri confessioni Augustanæ addicti ad Cœcilium Tridentinum non accedant.* Where they alleage this for one cause of their not comming to *Trent*, because none had voice there but Cardinals, Bishops, Abbots, Generals, or superiors of orders, wheras laickes also ought to have a decisive voice in Councils, 6. If none but the Ministers of the word should sit and voice in a Synod, then it could not bee a Church representative, because the most part of the Church (who are the hearers and not the teachers of the word) are not represented in it. 7. A common cause ought to be concluded by common voices. But that which is treated of in Councils is a common cause pertaining to many particular Churches. Our Divines when they prove against Papists that the election of Ministers and the excommunication of obstinate sinners ought to be done by the suffrages of the whole Church they make use of this same argument; *That which concerneth*

cerneth all ought to be treated of and judged by all. 8. Some of all estates in the common-wealth, voice in Parliament, therefore some of all sorts in the Church ought to voice in Councils and Synods; for *de paribus idem judicium*, A Nationall Synod is that same to the Church, which A Parliament is to the Common-wealth. 9. Those Elders whose right we plead, are called by the Apostle rulers, *Rom.* 12. 8. *1 Tim.* 5. 17. and Governours, *1 Cor.* 12. 28. therefore needs must they voice and judge in those assemblies, without which the Church cannot be ruled nor governed. If this be denyed them they have no other function behind, to make them Rulers or Governours of the Church. *Rome* was ruled by the Senate, not by the *Censors*; and *Athens* was governed by the *Areopagus*, not by the inferiour Office-bearers, who did only take heed, how the Lawes were observed. But let us now see what is objected against this power of Ruling Elders, to voice in Councill, and to Iudge of all things, even matters of faith treated therein. First it is alleadged that lay-men have not such abilities, of gifts and learning, as to judge aright of such matters. But I dare say there are Ruling Elders in *Scotland*, who in a theological dispute, should powerfully spoyle many of those who make this

this objection. 2. *Antonius Sadeel, Iohannes a Lasco, Morney*, and such like shew plainely to the world, that gifts & singular learning, are not tyed to Bishops and Doctors of the Church. 3. Neither doe men of subtile wits and deepest learning, prove alwayes fittest to dispute and determine questions of faith. It is marked in ℣ historie of the Councill of *Nice*, that there was a *Lay-man* therein, of a simple and sincere mind, who put to silence a subtile Philosopher, whom all the Bishops could not compesce. 4. There are many both in Parliament and secret Counsell without all controversie able to give their suffrages, and to judge of matters in hand, who notwithstanding, are not of such learning and Eloquence as to enter into the lists of a publique dispute. 5. And if the gifts and abilities, of the most part of ruling Elders, were as small as their adversaries will be pleased to call them, yet this concludeth nothing against their right power of voicing, but onely against their aptitude and fitnesse unto that, wherero their right would carry them. And we doubt that every Pastour be well gifted, for all which cōmeth within the compasse of his vocation, or doth well every thing, which he hath power to doe. Another objection is made from 1. *Cor.* 14. 32. *The spirits of the Prophets, are subject to the Prophets*: whence they collect, that

that prophets, and preachers of the word, ought to be judged by ſuch as themſelves are, that is by Prophets and Preachers, and by none other. To this we ſay, 1. There owne *Camero* giveth us another commentarie upon that place, rightly obſerving, that the Apoſtle there ſpeaketh nothing of trying or judging the ſpirits, but onely of the order, which is to be kept in the Church: for whereas in the Church of *Corinth*, the Prophets did prophecy tumultuouſly, many or all of them at once, and would not give place one to another, this the *Apoſtle* condemneth, and will have the Prophets ſo farre ſubject to the Prophets, as that when one riſeth up to prophecy, the reſt may hold their peace. 2. That this is the ſenſe it is cleare, from the order and dependance of the Text, for *v.* 30. he commandeth him that prophecieth in the Church to hold his peace, when any thing is revealed to another Prophet that ſitteth by, now this he enforceth by foure reaſons. 1. Becauſe ſo they might all prophecy one by one, and they were miſtaken, who thought that all could not prophecy, except many ſpake at once. 2. All that were in the Church might learne and all be comforted, by every Prophet, which could not be, except they prophecied ſeverally one by one

Prælect. com. 3. p. 376, 461.

one. 3. The Spirits of the Prophets are not arrogant, but humblie ſubject one to another, each giving place to other. 4. God is not the Author of confuſion, but of peace and order.

CHAP. XIV.

Of the Ordination of Ruling Elders, of the continuance of their Office, and of their maintenance.

TOuching the firſt of theſe, it cannot be denyed, but as Election to the Office, ſo ordination to the exerciſe thereof, is a thing common both to Preaching and Ruling Elders. Howbeit in *Scotland* impoſition of hands is not uſed in the Ordination of Ruling Elders, as it is in the Ordination of Preaching Elders, yet this is not to bee thought a defect in their Ordination; for impoſition of hands is not an Act but a ſigne of Ordination, neither is it a neceſſary ſigne but is left free: it is not therefore without reaſon, that *Calvin, Chemnitius, Gerard, Bucan, Junius, Bucerus*, and many other of our learned Writers, yea the *Arch-biſhop* of *Spalato* doe all make a diſtinction, betwixt the eſſentiall act of ordination

In 1. Tim. 4. 14. Exam: part 2. p. 221 loc. theol. de miniſt. eccl. ſect. 159. Loc. 42. Animad. in Bellarm. cõt. 5. lib. 1. c. 3.

de gubern. eccles. lib. 2. cap. 3. N. 54 &c. cap. 4. N. 13. 19.

nation, and the externall rite thereof, holding that ordination may be full, valid and compleat, not onely without the unction used in the *Roman Church*, but even without the laying on of hands, used in the *Reformed Churches*. After the Election of *Ruling Elders*, with the notice & consent of the whole Church, there followeth with us a publique designation of the persons so elected, and an authoritative or potestative Mission, Ordination, or Deputation of them unto their *Presbyteriall* functions, together with publique exhortation unto them, and prayer in the Church for them, which wee conceive to bee all that belongeth either to the essence, or integrity of Ordination. I meane not to condemne Imposition of hands, nor any other convenient signe, in the Ordination of *Ruling Elders*, onely I intend to justifie our owne forme, as sufficient.

As for the maintenance and the continuance of the Office of *Ruling Elders*, wee love not unnecessary Multiplication of questions, let every Church doe herein what they find most convenient. The manner of our Church, in these things, is such, as best befitteth the condition of the same, & such as

as cannot be in reaſon condemned; Neither is a ſtipend, nor continuance in the Function till Death, eſſentiall to the Miniſtery of the Church, but ſeparable from the ſame. The *Levites* of old ſerved not at all times, but by courſe, and when they were 50. yeares old, they were wholly liberat, from the burden and labour (though not from the attendance) of the *Leviticall* ſervice, and Miniſters, may ſtill upon the Churches permiſſion, for lawfull Reaſons, and urgent Neceſſities, be abſent a whole yeere, and longer too, from their particular charges. The *Apoſtles*, when they were firſt ſent through *Judea*, tooke no ſtipend, *Mat.* 10. 8, 9. Neither did *Paul* take any at *Corinth*, 1 *Cor.* 9. 18. The Miniſters among the *Waldenſes*, worke with their hands for their maintainance. The old *Patriarchs* were *Prieſts* and *Preachers*, to their families, and maintained themſelves by the worke of their hands, feeding of Flockes, tilling the Ground, &c, Theſe things I do not mention as Rules, to be followed by us, but to ſhew, that the intermiſſion of the exerciſe of the Miniſtery, the want of maintainance and labouring with the hands, are not altogether repugnant, nor inconſiſtent, with the Nature of the vocation, of the Miniſters of the word,

but in ſome caſes *hic & nunc*, may bee moſt approveable in them, much more in Ruling Elders. The Revenues of our Church are ſo ſmall, that they cannot ſpare ſtipends to Ruling Elders, which maketh them willing to ſerve without ſtipends, and leſt they ſhould be overburdened, with this their ſervice, though they be choſen and called to be Ruling Elders as long as they live, at leaſt till they merit, to be depoſed, yet our *booke of policie* alloweth them, that eaſe of intermiſſion and ſerving by courſe, which was allowed to the *Levits* of old in the *Temple*.

1 *Tim*, 5. 17. The double honour which the Apoſtle commandeth to give unto Elders that rule well, needeth not to be expounded of maintainance and obedience; for by double honour wee may either ſimply underſtand, much honour, or by way of compariſon double honour, in reſpect of the Widowes,

Ibid, *v*. 3. whom hee had before commanded to honour, as *Calvin* expoundeth the place. Both theſe *Interpretations* doth *Oecumenius* give upon the ſame place.

The other queſtion propounded by D. *Field* concerning Ruling Elders, ſhall have a reſolution in that which followeth, and ſo I will proceed, conceiving that which hath beene

beene ſaid for Ruling Elders, ſhall ſatiſſie ſuch as deſire to underſtand, though nothing can ſatiſſie the malicious, nor them who are willingly ignorant.

Here endeth the firſt Booke.

THE Second Part, concerning the Assemblies of the Church of SCOTLAND, and Authority thereof.

CHAP. I.

Of popular Government in the Church.

THere bee some that call in question the Warrant and Authority of classicall *Presbyteries*, of provinciall Synods and Nationall Assemblies, as they are used and maintained in the Church of *Scotland*. I meane not the Prælaticall faction, whom we set aside, but even some who are as *Antiepiscopall* as we are. The *Scrupulosity* of such (at least of many such) herein doth (we conceive) proceed not from any per-

perverſneſſe of mind, but onely from certaine miſtakings, which better information may remove.

But firſt of all wee require thoſe, whom we now labour to ſatiſfie, to condeſcend upon another point, *viz.* that the exerciſe of Eccleſiaſticall power and juriſdiction in a particular Congregation, ought not to bee committed to the whole collective body thereof, but is peculiar to the Elderſhip repreſenting the ſame; for in vaine doe wee debate the other point concerning Presbyteries and Aſſemblies, if this latent prejudice ſtill occupy their minds, that the Government of the Church muſt needs be popular, exerciſed by the collective body, which happily may in ſome ſort bee done within the bounds of a well limited Congregation, but is manifeſtly inconſiſtent with claſſicall Presbyteries & Synods, becauſe the collective Bodies of all particular Congregations within the bounds of a ſhire, of a Province, of a Nation, cannot bee ordinarily, nor at all ordinatly, aſſembled together, and if they could,

I beleeve that the *Separatists* themselves would in that case allow a dependencie or subordination of particular *Congregations* unto the more generall *Congregation*. So that the point of popular government being once cleared, it shall facilitate the other question concerning the Subordination of particular *Elderships* to *classicall Presbyteries* & *Synods*. Now there are good reasons why this popular government or exercise by jurisdiction by all can not be admitted into a *Congregation*.

First, in every *Christian Congregation*, there are some Rulers, some ruled, some Governors, some governed, some that command, some that obey, as is manifest from *Hebr.* 13. 17. 1. *Thes.* 5. 12. 1. *Tim.* 5. 17. *But if the whole Congregation have the Rule and Government, who then shall be ruled and governed?* It will be answered, that in the exercise of jurisdiction, every Member is to act according to it's owne condition, the head as the head, the eye as the eye, &c. that the Rulers and Governors of a Congregation are to have the principall conduct of businesse, and to bee Heads, Eares, Mouths, &c. to the *Congregation*.

But

But this *ſimile* maketh rather for us then againſt us, for though every member bee uſefull and ſteadable in the body according to it's owne condition, yet every member neither can nor doth exerciſe thoſe principall actions of ſeeing, hearing, taſting, &c. I ſay not that other members cannot ſee, heare, taſte, as the eyes, eares, and mouth doe, but they cannot at all ſee, heare, nor taſte. So if the Rulers of a Congregation be as the eyes, eares, mouth, &c. then other members of the Congregation cannot at all act thoſe actions of government which they act. Hence it is that ſome, who make the whole Congregation the firſt ſubject of the power of ſpirituall Juriſdiction, doe notwithſtanding hold that the whole Church doth exerciſe the ſaid juriſdiction as *Principium quod*, the Elderſhip alone, as *Principium quo*, even as the whole man ſeeth, as *Principium quod*, the eye alone, as *Principium quo*, and ſo of all the reſt. Thus doe they put a difference betwixt the power it ſelfe, and the exerciſe of it, aſcribing the former to the collective body of the Church, the latter to the repreſentative: knowing that otherwiſe they could not preſerve the diſtinction of Rulers and ruled in the Church.

Sutcan. de diſcip. Eccleſ. part 4. c. 21

Secondly, it is well knowne that in Congregations the greater part are not fit to exercise Jurisdiction, for they can not examine the Doctrine and abilities of Ministers, how should they ordaine them? They can not judge of questions and controversies of faith, how shall they determine the same? They can not find out and discover Hereticks, how shall they excommunicate them? It is answered that this evill proceedeth from another, *viz.* That there is too much sloth and oversight in the admission of such as are to be members of a Congregation, and that they would be fit enough to doe their duty, if they were all Saints, they meane appearantly, and in the judgement of charity such, *Rom.* 1. 7. 1 *Cor.* 1, 2. *Eph.* 1, 1. But say we againe, 1. Why may wee not hold that when the Apostle writeth to the Saints at *Rome*, at *Corinth*, *&c.* he meaneth not, that all who were in those Churches, were either truely or appearantly Saints (for some wicked ones there were among them, and manifestly vitious, *Rom.* 16, 17, 18. 1 *Cor.* 5. 9. 11.) But that his meaning is, to direct his Epistles to so many as were Saints at *Rome*, *Corinth*, *&c.* mentioning them alone; because to them, and to none but them, did God

Most of Scripture is a loquide parte tanquam de toto, sicut Corinthios in primis sua Epistolæ partibus ita laudat Apostolus, tanquam omnes tales essent, cum essent laudabiles quidam eorum, saith Augustine writing to Paulinus.

God ſend his word for a bleſſing, it being ſent to others that they may *goe and fall backward, and be broken, and ſnared, and taken*, as the Prophet ſpeaketh. 2. If it ſhould be granted that the *Apoſtle* giveth the name of *Saints* to all and every one that were in the Churches of *Rome*, *Corinth*, and *Epheſus*, yet Mr. *Ainſworth* himſelfe anſwering Mr. *Bernard* holdeth that they are called Saints by externall calling onely, wherewith many are called who are not choſen, and who have no appearant markes of election. Others ſay that they were called Saints, in reſpect of their baptiſme, wherein they were all conſecrated and devoted to God. Some ſay that they were all Saints, in reſpect of their profeſſion. 3. Howſoever it was that they were all called Saints, yea put the caſe they had beene all truely Saints, ſurely their ſanctification can not import their fitneſſe to exerciſe juriſdiction in the Church. The former is a ſpeciall grace of the holy Spirit given to one for his owne Salvation: The other is a common gift of the Spirit, given for the benefit of the Church.

Thirdly, it were not poſſible to exerciſe juriſdiction by a whole Congregation without

great confuſion and diſorder: therefore this way cannot be from God, who is not the author of confuſion but of order. If it be anſwered, that order may be kept in a Congregation exerciſing Iuriſdiction as well as in a Nationall, at leaſt in a Oecumenicall Synod, where there will be as great a multitude, and peradventure greater, then there is in a well-bounded Congregation. Wee reply it is not ſo much the multitude, which ſhould make diſorder in the exerciſe of Juriſdiction by a whole Congregation (though indeed in many Congregations the multitude alone would hinder order) as the rudeneſſe of the vulgar ſort, who if they ſhould all ſpeake their judgement, what a monſtrous and unavoidable confuſion ſhould there be? The members of Nationall and Oecumenicall Councils, are ſuppoſed to be men of knowledge and diſcretion, and ſo may be kept in good order, much more eaſily then a rude multitude in the Congregation.

They who are of another judgement object to us: Firſt, our Saviours precept, *Matth.* 18. 17. *where hee biddeth us not tell the Elderſhiſh, but tell the Church.* Anſ. By the Church he meaneth the repreſenta-

tive

tive body of the Church, even as that which was ſpoken to the Elders of *Iſrael*, *Exod.* 12. 21. was ſaid to be ſpoken by all the Congregation of *Iſrael*, *Ib. verſe* 3. and he who was judged by the Elders, was ſaid to bee judged by the Congregation, *Ioſ.* 20. 6. More of this place we ſay elſewhere. Next they object the example of excommunication by the whole Congregation of *Corinth*, for the Apoſtle ſheweth that it was the duty of the whole Congregation, to caſt out that inceſtuous man. 1 *Cor.* 5. 13. 4. 9. 13. In like manner hee writeth to them all, to receive him againe, when he had repented, 2 *Cor.* 2. 6. 8, 9. Anſwer. Whether the power of excommunication *in actu primo ſeu quo ad eſſe*, did belong to the collective body of the Church of *Corinth* or not, is a queſtion controverted, and to this day *ſub judice lis eſt*, yet even thoſe who hold the affirmative part of the queſtion, doe notwithſtanding ſay, that *in actu ſecundo ſeu quo ad operari*, the power pertained onely to the repreſentative body of that Church which was their Presbytery: which is alſo confirmed by 2. *Cor.* 2. 6. where the Apoſtle ſpeaking of the cenſure of that inceſtuous man, ſaith not, that it was

Supra part 1. *cap* 4. *c. infra c.* 11.

inflicted, ὑπ' τῶν πολλῶν, but ὑπ' τῶν πλειόνων not by all, but by many. Hee was judged and sentenced by those πλείονες, that is by the Pastors and Elders of *Corinth*, howbeit the execution & finall act of that high censure, was to be with the consent and in the presence of the Congregation.

Thirdly, it is objected, that *Matthias* was chosen by the whole number of the Disciples, *Act.* 1. and so were the *Deacons* chosen, *Act.* 6. and *Elders* in every City were made *per χειροτονίαν*, the Congregation signifying their suffrages by the lifting up or stretching forth of their hands, *Act.* 14. 23. Therefore Jurisdiction ought to be exercised by whole Congregations. Answ. This Argument faileth two waies, 1. Though ordination of Office-bearers in the Church be an act of Jurisdiction, it doth not appeare that the election of them is an act of jurisdiction likewise. Though the solemnizing of marriage be an act of authority, yet the choice and desire of the parties is not an act of authority. 2. Or (if you will) election of Ministers is one of the Rights and Priviledges of the Church, yet no act of jurisdiction. 3. And if election were an act of authority and jurisdiction,

on, yet the alleadged examples prove no more but that this act of jurisdiction is to be exercised by the whole body, *in Ecclesia constituenda, non constituta*. It may bee so indeed in Churches at their first erection, but being once erected, and all necessary Office-bearers therein planted, from thenceforth the election of *Elders* pertaineth to the *Presbytery*, to the *Pastor* and *Elders*, as *Zepperus* writeth, though still with the consent of the Church. *De pol. Eccl. l. 2. cap. 12.*

Fourthly, it is objected, that what concerneth all ought to be done with the consent of all. Answ. Wee hold the same, but the consent of all is one thing, the exercise of jurisdiction by all, another thing. *Ainsworth* in one of his Epistles to *Paget*, condemneth the Eldership sitting and judging matters apart from the Congregation. *Paget* answereth, that though the Eldership sit apart to judge, yet before any sentence be given for the cutting off of any offender, or for any other thing which concerneth all, matters are first propounded to the whole Church, and their prayers and consent required. *Arrone, pag. 23.*

And

And ſurely this forme of proceeding ſhineth forth to us in that *Apoſtolicall* Synod at *Jeruſalem*, for the *Apoſtles* and *Elders*, met, ſate, and voiced apart from the whole Church, as *Calvin* noteth from *Act.* 15,6. and they alone judged and decreed *Act.* 16. 4. In the meane while were matters made knowne to the whole Church, and done with the conſent of all, *Act.* 15: 22.

If it be objected from *verſe* 12. that the whole multitude was preſent in the Synod: I anſwer, we may underſtand with *Piſcator* the multitude there ſpokē of to be the multitude of the *Apoſtles* & *Elders*, *V.* 6. or if we ſhould underſtand by the multitude the whole Church, this proveth onely that the whole Church heard the queſtion diſputed, not that they were all preſent at the judging and determining of it. If it be further objected that the Synodall Epiſtle came not onely from the *Apoſtles* and *Elders*, but from the brethren, that is, the whole Church. The anſwer is eaſie. The Brethren are mentioned, becauſe it was done with their knowledge, conſent, and applauſe.

To ſay no more, wee would gladly bury this controverſie about popular government, in eternall ſilence and oblivion, and to this end we are content it be packt up,

in

in the words which the *Separatists* themselves (doubtlesse perpending the Reasons above-mentioned) have set downe in the 14. Article of the Confession of their Faith published, *Anno* 1616. for this they say. *We judge each proper Pastor, may and ought to bee trusted by the Congregation, with the managing of all points of their Ecclesiasticall affaires and Government, so farre, that he with his assistants doe execute and administer the same: yet so that in matters of waight, the whole Congregation doe first understand thereof, before any thing be finished, and the finall act bee done in the presence of the whole Congregation, and also that they (the said Congregation) doe not manifestly dissent therefrom.* We are heartily content, that Congregations doe fully enjoy all the Christian liberty, which here is pleaded for in their behalfe, yea and much more also; for the assistants spoken of in these words of the Confession, are other Pastors and Colleagues, if any there be, in the same Congregation, as will bee evident to any that readeth that Article. But wee are content that the Assistants spoken of be understood to bee *Ruling Elders*. Now if the Authors of that Confession thought the Christian liberty of a Congregation sufficiently preserved,

when the Paſtor or Paſtors thereof doe manage the weighty Eccleſiaſticall affaires and government, with the knowledge, and (at leaſt tacite) conſent of the Congregation it ſelfe, then doe we not onely ſufficiently and abundantly preſerve the liberty of the Congregation, while as not the Paſtor or Paſtors thereof alone, but ſundry Ruling Elders; alſo, repreſenting the Congregation, doe manage the affaires aforeſaid, the *Congregation* withall underſtanding thereof, and conſenting thereto, *Tacitè* if not *Expreſſè*. I doe not thinke but thoſe of the *Separation* at this time, will eaſily aſſent to this reſolution and reconcilement of the controverſie, and ſo much the rather, becauſe (I beleeve) they themſelves doe ſeclude from the exerciſe of juriſdiction in the *Congregation*, both children under age, becauſe of their defect of Judgement, and women, becauſe they are forbidden to ſpeake in the Church, and whether they ſeclude any other, I know not, but ſince according to their owne Tenets, ſome muſt be ſecluded, and the power given to the *Church*, muſt in the exerciſe of it be reſtrained to ſome in the *Church*, it is better to ſay with *Aegidius Hunnius*, *that when Chriſt remitteth us to the Church. Mat.* 18. 17. *He meaneth the prime and chiefe Members which repreſent the Church, that is Paſtors and*

In Mat. 18. 17.

and Elders, then to say that he sendeth us to the whole body of the Church.

One scruple more may peradventure remaine. They will say, it is well that we require the churches consent, before any waighty matter which concerneth all be finished: but what if this consent be not had? Whether may the Eldership cut off an offender *renitente Ecclesia*? For their satisfaction is this, also wee say with *Zepperus*, *Quod si Ecclesia &c. But if the Church*, saith he, *will not approve the sentence of Excommunication, nor hold it valid, and they see many disagreeing among themselves, and schismes and greater evills in the Church to follow this sentence of Excommunication: the Elders shall not proceed to Excommunication, but shall patiently suffer what cannot with the good leave of the church be amended. In the meane while they shall publikely and privately admonish and exhort*. So saith *Zanchius*, that without the consent of the church no man ought to be excommunicated.

de pol. eccl. lib. 1, cap. 19.

In 4 praecol. 75 6 de rep. ec lib. 5, c. 12. n 67, lib. 3, contra Epist. Parmen.

The B. of *Spalato*, and before him, *Augustine* hath given the reason hereof, because the end of excommunication cannot be at-

 tained, if

if the Church doe not consent thereto; for the end is, that the offeader may bee taken with feare and shame, when he findeth himselfe abhorred and accursed by the whole Church, so that it shall be in vain to excommunicate him, from whom the Multitude in the Church refuse to abstract their communion. I conclude, that in such cases; though the Pastors and Elders have the power of jurisdiction, it is not to exercise the same.

CHAP. II.

Of the independencies of the Elderships of particular Congregations.

WEE have now rolled away one stone of offence, but there is another in our way. It were most strange, if the collective body of a Congregation, consisting it may bee of 10, 20, 30, or 40 persons, according to the grounds of these with whom we deale, should bee permitted to exercise independently all Ecclesiasticall Jurisdiction: but it is almost as great a Paradox, to say, that the representative of every Congregation, which is the Eldership thereof, consisting it may be of a Pastor, and two or three *Ruling Elders*, ought independently

lyto exerciſe the foreſaid juriſdiction in all points.

I am debtor to D. *Field*, for anſwering one of thoſe queſtions before propounded, concerning *Ruling Elders*, and here it falls in my hand. He aſketh whether the power of Church-government and juriſdiction, doth belong to the Paſtor and Elders of every Congregation, or to the Paſtors and Elders of many Congregations joyned together in a Common Presbytery. I beleeve his expectation was, that while as we would ſayle through betwixt the *Caribdis* of Epiſcopall tyranny, and the *Scylla* of popular Anarchy, wee ſhould not know how to direct our courſe, but ſhould certainly either bee ſwallowed up in the waves of mighty difficulties, or ſplit our ſelves upon hid Rockes of diviſion. Our danger, I hope, is not ſo great as he did imagine; for we hold that the particular Elderſhips of ſeverall Congregations have their owne power and authority of Church-government, but with a ſubordination unto the common or greater Presbytery, whoſe power is ſuperior and of a larger extent.

Firſt, then we ſhall take into conſideration, the bounds of the power of particular Elderſhips, and how the ſame may be ſaid to be independent, and how not, for this pur-

pose, I shall give foure distinctions out of *Parker, and to these I shall adde other foure of my owne.*

de pol. eccl. lib. 3. cap. 20.

The first distinction is, betwixt things which are proper and peculiar to one Congregation, and things which are common to many: the former pertaineth to the particular Eldership, the latter to the common Eldership: Whence it commeth that in *Scotland* the cases of ordination, suspension, deposition, and Excommunication, are determined in the greater *Presbyteries*, because it doth not concerne one Congregation alone, but many, who be taken into the common *Presbytery*, and who be put out of the same, neither doth the Excommunication of a sinner concerne onely one Congregation, but the Neighbouring Congregations also, among whom (*as is to be commonly supposed*) the sinner doth often haunt & converse. *Cyprian* speaking of the admission of some who had fallen, and who had no recommendation from the *Martyrs* to be received againe, referreth the matter to a common meeting, and his reason is, because it was a common cause, *and did not concerne a few, nor one church onely*. See *lib. 2. Ep. 14.*

The Elders & Deacons of Rome writing to Cyprian concerning some publicke offenders, say Per. quam enim nobis & invidiosum & onerosum videtur, non per multos examinare quod per multos commissum videatur fuisse, & unam sententiam dicere, cum tam grande crimen per multos diffusum notetur exisse quoniam nec firmum decretum potest esse quod non plurimorum videbitur habuisse consensum Cypr. Epist. 31. in edit. Pamel.

The second distinction is betwixt Congregations

gregations, *which have a competent and well-qualified Elderſhip, & ſmall Congregations, who have but few office-bearers, and thoſe (it may be) not ſufficiently able for* Church-government. *In this caſe of inſufficiencie, a Congregation may not independently, by it ſelfe, exerciſe juriſdiction, and not* in re propria, *ſaith* Parker.

3. He diſtinguiſheth betwixt the caſe of right adminiſtration, and the caſe of aberration: whatſoever liberty, a Congregation hath in the former caſe, ſurely in the latter it muſt needs be ſubject and ſubordinate. *If particular Elderſhips doe rightly manage their owne matters of Church-government, the greater Presbytery ſhall not need for a long time (it may be for ſome yeares) to intermeddle in any of their matters, which wee know by experience in our owne Churches.*

4. Hee maketh a diſtinction betwixt the caſe of appellation and the caſe, *de nulla adminiſtratione mala præſumpta.* Though the particular Elderſhip hath proceeded aright, though it conſiſt of able and ſufficient men, and though it bee *in re propria*, yet if one think himſelfe wronged, and ſo appeale, then is it made obnoxious to a higher conſiſtory, for

for saith *Parker*, as the Councill of *Sardis* ordaineth audience must not bee denyed to him who entreateth for it.

de pol. eccl. lib. 3. cap. 2. So saith *Zepperus*, speaking of the same purpose, *cuivis integrum quoque sit ad superiores gradus provocare, si in inferioris gradu sententia aut decreto aliquid desideret.*

5. Adde unto these a distinction betwixt a Congregation, lying alone in an Iland, Province, or Nation, and a Congregation bordering with sister Churches. If either there be but one Congregation in a Kingdome or Province, or if there be many farre distant one from another, so that their Pastors and Elders cannot ordinarily meete together, then may a particular Congregation doe many things by it selfe alone, which it ought not to doe, where there are adjacent neighbouring Congregations, together with which, it may, and should have a common Presbytery.

6. Let us put a difference betwixt the subordination of one Congregation to another, or of one Eldership to another, and the subordination of any Congregation, and of the

the Elderſhip thereof to a ſuperior, Presbytery or Synod made out of many Congregations, as one provinciall Synod is not ſubject to another Provinciall Synod, yet all the Provinciall Synods in the Nation are ſubject to the Nationall Synod, ſo it is alſo with the ordinary conſiſtories, one particular Elderſhip is not ſubject to another, yet all the particular Elderſhips within the bounds of the common Presbytery are ſubject to the ſame. So that there is a vaſt difference betwixt this ſubordination which we maintaine, and the ſubordination of all the Pariſhes in a Dioceſſe to the Prælate and his Cathedrall. Where *Dounam* doth object that all the Pariſhes of *Geneva* are Hierarchically ſubject to the Presbytery in the city, *Parker* denieth this, *niſi quis &c.* vuleſſe ſaith he, *peradvẽture one may be ſubject to himſelfe, for the Pariſhes, each for their owne part, and that alike, are this ſame Presbytery.* And after, *Conſiſtorium &c. for the Conſiſtory of the Cathedrall Church is an externall meeting, divers diſtinct and ſeparate from the rurall Churches, which are no part thereof, this cannot be ſaid of the Presbytery of Geneva.* *De pol. Ec. lib. 3. c. 23.*

7. Wee muſt diſtinguiſh betwixt a dependance abſolute, and, in ſome reſpect, a Congregation doth abſolutely depend upon

the holy Scriptures alone, as the perfect rule of faith and manners, of worship and of Church-government, for we accurse the tyranny of Prelates, who claimed to themselves an autocratoricke power over Congregations, to whom they gave their naked will for a Law. One of themselves told a whole Synod that they ought to esteeme that best which seemeth so to Superiors, and that this is a sufficient ground to the conscience for obeying, though the thing be inconvenient. We say, that Congregations ought indeed to be subject to Presbyteries and Synods, yet not absolutely, but in the Lord, and in things lawfull, and to this purpose the constitutions of Presbyteries and Synods are to bee examined by the judgement of Christian discretion, for a Synod is *Judex Judicandus*, and *Regula regulata*, so that it ought not to be blindly obeyed, whether the ordinance be convenient or inconvenient.

Spotswood *Serm. at Perth. assemb.*

Last of all we are to distinguish betwixt the condition of the Primitive Churches, before the division of Parishes, and the state of our Churches now after such division. At the first when the multitude of Christians in those great cities of *Rome, Corinth, Ephesus, &c.* was not divided into severall Parishes, the common Presbytery in the city

city did ſuffice for the government of the whole, and there was no need of a particular conſiſtory of Elders, for every aſſembly and Congregation of Chriſtians within the city, except perhaps to admoniſh, rebuke, exhort, or to take notice of ſuch things as were to be brought into the common Presbyterie. But after that Pariſhes were divided, and Chriſtian Congregations planted in the rurall villages, as well as in the cities, from hence forth it was neceſſary that every Congregation ſhould have at hand within it ſelfe, a certaine Conſiſtory for ſome acts of Church-government, though ſtill thoſe of greater importance were reſerved to the greater Presbyterie. And thus have I, out of deſire to avoid unneceſſary queſtions, ſet downe my conceptions concerning the Elderſhips of particular Congregations, and the power of the ſame.

If it be ſaid, that I ſeeme to deny the divine right of the ſame, or that they have any warrant from the patterne of the Apoſtolike Churche. I anſwer. I acknowledge the conformity of the ſame with the patterne thus farre. 1. It is to bee ſupoſed that in ſome ſmall cities (eſpecially the ſame not being wholly converted to the Chriſtian faith) there was but one Chriſtian Congregation, the Elderſhip whereof did

manage matters of jurisdictiō proper thereto. 2. Even in the great cities, at the first there was but one Congregation of Christians, and so but one particular Eldership. 3. After that the Gospell had spread, and Christians were multiplied in those great cities, it is true, they were all governed by a common Presbytery, but that Presbytery was not remote, but ready at hand among thēselves. Now in this we keep our selves as closse to the patterne, as the alteration of the Churches condition by the division of Parishes will suffer us, that is to say, we have a common Presbytery for governing the Congregations within a convenient circuit, but withall our Congregations have, *ad manum*, among themselves, an inferior Eldership for lesser acts of Government; though in respect of the distance of the seate of the common Presbytery from sundry of our Parishes, they can not have that ease and benefit of neareneſſe, which the Apostolique Churches had, yet by the particular Elderships they have as great ease of this kinde as conveniently can be.

Chap. III.

Of greater Presbyteries which some call classes.

THe word πρεσβυτέριον Presbyterie we find thrice in the New Testament, twice of the *Jewish* Presbytery at *Hierusalem*, *Luke* 22.66. *Act.* 22. 5. and once of the Christian Presbytery. 1. *Tim.* 4. 14. *Neglect not the gift that is in thee, which wsv given thee by prophecy, with the laying on of the hands of the Presbytery.* *Sutlivius* and *Dounam* have borrowed, from *Bellarmine*, two false glosses upon this place. *De presb. c. 12. p. 75. 81. Serm. in apoc. 1. 20.*

They say by πρεσβυτέριον here, we may understand either an assembly of Bishops, or the Office of a Presbyter, which was given to *Timothy*. To these absurdities let one of their owne side answer. *whereas* saith D. *Forbesse, some have expounded the Presbytery in this place to be a company of Bishops, unlesse by Bishops thou would understand simple Presbyters, it is a violent interpretation, and an insolent meaning. And whereas others have understood the degree it selfe of Eldership, this can not stand, for the degree hath not hands, but hands are mens.* J find in *Sutlivius*, a *Iren. lib. 2. c. 11. p. 161. De presb. 1.*

third gloſſe. He ſaith, that the word Presbyterie in this place ſignifieth the Miniſters of the word, *non juris vinculo ſed utcunque collectos, inter quos etiam Apoſtoli erant.* Anſ. 1. If ſo, then the occaſionall meeting of Miniſters, be it in a journey, or at a wedding, or a buriall, &c. ſhall all be Presbyteries, for then they are *utcunque collecti*. 2. The Apoſtles did put the Churches in better order, then to leave impoſition of hands, or any thing of that kind to the uncertainty of an occaſionall meeting. 3, The Apoſtles were freely preſent in any Presbyterie, where they were for the time, becauſe the overſight and care of all the Churches was layd upon them: Paſtors and Elders were neceſſarily preſent therein, and did by vertue of their particular vocation meete together Presbyterially, whether an Apoſtle were with them, or not.

No other ſenſe can the Text ſuffer but that by *Presbyterie* we ſhould underſtand *conſeſſus Presbyterorum*, a meeting of *Elders*, and ſo doe *Camero* and *Forbeſſe* themſelves expound it. *Sutlivius* objecteth to the contrary, that the Apoſtle *Paul* did lay on hands upon *Timothy*, which he proveth both from 2. *Tim.* 1. and, becauſe extraordinary gifts were given by that laying on of hands. Anſ. There is an expreſſe difference made betwixt

Pauls

Pauls laying on of his hands, and the *Presbyteries* laying on of their hāds. Of the former it is ſaid, that *Timothy* received the gift, which was in him, διὰ by the laying on of *Pauls* hands; but he received the gift μετὰ with the laying on of the hands of the *Presbyterie*, as *Didoclavius* noteth. But ſaith *Sutlivius*, *Timothy* being an Evangeliſt (as you hold) how could hee be ordained by the *Presbyterie*? Anſ. 1. Though the *Presbyterie* did neither give him ordination to bee an Evangeliſt, nor yet conferre by the laying on of their hands extraordinary gifts upon him, yet did they lay on their hands, as ſetting to the the Seale and Teſtimony, and commending him to the grace of God, even as certaine Prophets and Teachers layd hands on *Paul* and *Barnabas*, and *Ananias* alſo before that time had laid his hands upon *Paul*. 2. The *Presbyterie* might ordaine *Timothy* to be an *Elder*. *If ſo be he was ordained an Elder before he was ordained an Evangeliſt*. 3. If the teſtimony of the *Presbyterie*, by the laying on of their hands, together, with the Apoſtles hands, in the extraordinary miſſion of *Timothy*, was required: much more may it be put out of queſtion, that the Apoſtles committed to the *Presbytery* the full power of ordaining ordinary Miniſters.

But it is further objected by *Sutlivius* that this

this could not be such a Presbyterie as is among us, because ordination and imposition of hands pertaine to none, but the Ministers of the word. Ans. 1. The children of *Israel* laid their hands upon the Levites, & we would know his reason why he denyeth the like power to ruling Elders now, especially since this imposition of hands is but a gesture of one praying, and a morall signe declaring the person prayed for. 2. Howsoever our practice (which is also approved by good Divines) is, to put a difference betwixt the act of ordination and the externall right thereof, which is imposition of hands, ascribing the former to the whole Presbytery both Pastors and Elders, and reserving the latter to the Ministers of the word, yet to bee done in the name of all.

Num. 8.10.

Iun. cont. 5. lib. 1. cap. 3. Synod. pur. theol. dyp. 42. thes. 37.

Thus have we evinced the Apostles meaning, when he speaketh of a Presbyterie, and this Consistory we find to have continued in the Christian Church in the ages after the Apostles. It is certaine that the ancient Bishops had no power to judge any cause without the presence, advice and counsell of their Presbyters *Conc. Carth. 4. can. 23. Field, Forbesse, Saravia*, and *Douname*, doe all acknowledge that it was so, and so doth *Bellarmine de Pont. Rom. l. 1. c. 8.* Of this Presbytery speaketh *Cyprian. Omni æstu ad me perlato, placuit contrahi Presbyterium, &c.* The

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Iren. lib. 2. p. 254. 255.

Lib. 4. ep. 2.

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Hiſt. tripart. l. 6. cap. 4.

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Iren. lib. 2. p. 254. 255.

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though they discharged the ordaining of Bishops in villages, lest the name of a Bishop should grow contemptible, did nevertheless allow every City to have a Bishop of its owne. What hath Doctor *Forbesse* now gained by maintaining that the bounds of a Presbyterie, and of a Dioceſſe were all one? They in the *Netherlands* sometime call their Presbyteries *Diocaſes*: and many of our Presbyteries are greater then were Dioceſſes of old. Wee conclude there was anciently a Presbytery in every City which did indeede choose one of their number to preside among them, and to lay on hands in name of the rest, and hee was called the Bishop; wherein they did more trust the deceiveable goodnesse of their owne intentions, then advert to the rule of the Word of God.

G. Bucer. de gub. Eccl. pag. 100. 101.

Theſe things premitted, I come now to that which is principally intended, *viz.* by what warrant and *qua jure*, the Classicall Presbyterie among us, made up out of many neighbouring congregations, should be the ordinary Court of Ecclesiasticall Jurisdiction, at least in all matters of highest importance, which doe concerne either all or any of those congregations.

For resolution hereof we must understand

1. That

1. That causes common to many congregations, ought not to be judged by any one of them, but by the greater Presbytery common to them all. 2. It is to bee supposed that particular congregations (at least the farre greatest part of them) have not in their proper Elderships so many men of sufficient abilities, as are requisite in judging and determining the cases of the examination of Ministers, of ordination, deposition, excommunication, and the like. 3. When one appealeth from a particular Eldership, out of perswasion that hee is wronged by the sentence thereof, or when that Eldership finding its owne insufficiency for determining some difficult causes, resolveth to referre the same into a higher Court: reason would that there should be an ordinary Court of a Classicall Presbytery to receive such appellations or references. 4. Congregations which lye neare together, ought all as one to keep unity and conformity in Church policy and government, neither ought one of them be permitted to doe an injury, or to give an offence unto another: and for these ends, it is most necessary that they be governed by one common Presbytery. 5. There may be a competition or a controversie not only betwixt one congregation and another, but in the same

congregation betwixt the one halfe and the other; yea, the Elderſhip it ſelfe of that congregation, may be, (and ſometimes is) divided in it ſelfe. And how ſhall things of this kinde bee determined, but by the common Presbytery? 6. But (which is *caput rei*) theſe our Claſſicall Presbyteries have a certaine warrant from the paterne of the Apoſtolicall Churches: For proofe whereof, it ſhall bee made to appeare, 1. That in thoſe Cities, (at leaſt in many of them) where Chriſtian religion was planted by the Apoſtles, there were a great number of Chriſtians, then either did, or conveniently could meet together into one place for the worſhip of God. 2. that in thoſe Cities there was a plurality not onely of ruling Elders, but of the Miniſters of the word. 3. That notwithſtanding hereof, the whole number of Chriſtians within the Citie, was one Church. 4. That the whole number, and ſeverall companies of Chriſtians within one Citie, were all governed by one common Presbytery. The ſecond of theſe doth follow upon the firſt, and the fourth upon the third.

The firſt propoſition may bee made good by induction of particulars; and firſt, it is more then evident of *Ieruſalem*, where wee finde unto 120 Diſciples, Act. 1. 15. added 8000.

3000. by *Peters* two Sermons, Act. 2. 41. and 4. 4. Besides whom, there were yet more multitudes added, Act. 5. 14. And after that also, wee read of a further multiplication of the Disciples, Act. 6. 1. by occasion whereof the seaven Deacons were chosen and ordained: which maketh some to conjecture, that there were seven congregations, a Deacon for every one. Certainly there were rather more then fewer, though wee cannot determine how many. It is written of *Samaria*, that the people with one accord gave heed unto *Philip*, Act. 8. 6. even all of them both men and women, from the least to the greatest, who had before given heed to *Simon*: of these all it is said, that they beleeved *Philip*, and were baptised, vers. 10. 12. which made the Apostles that were at *Ierusalem*, when they heard that the great City *Samaria* had received the word of God, to send unto them *Peter* and *Iohn*, the harvest being so great, that *Philip* was not sufficient for it, v. 14. Of *Ioppa* it is said, that many beleeved in the Lord. Act. 9. 42. Of *Antioch* wee read, that a great number beleeved, and turned to the Lord, Act. 11. 21. Of *Iconium*, that a great multitude both of the Jewes, and also of the Greekes, beleeved, Act. 14. 1 Of *Lidda*, that all who dwelt therein, turned to the Lord, Act. 9. 35. Of *Berea*, that

that many of them beleeved: also of the honourable women, and the men not a few, Act. 17. 12. Of *Corinth* the Lord saith, I have much people in this Citie, Act. 18. 10. Of *Ephesus* wee finde, that feare fell on all the Jewes and Greekes which dwelt there; and many beleeved; yea, many of the Magicians themselves, whose bookes that were burned, amounted to fifty thousand peeces of silver, so mightily grew the Word of God and prevailed, Act. 19. 17. 18. 19. 20. Unto the multitude of Christians in those Cities, let us adde another consideration, viz. that they had no Temples (as now wee have) but private places for their holy Assemblies, such as the house of *Mary*, Act. 12. 12. the Schoole of *Tyrannus*, Act 19. 9. an upper chamber at *Troas*, Act. 20. 8. *Pauls* lodging at *Rome*, Act. 28. 23. Neither doe I see any reason why the Church which was in the house of *Aquila* and *Priscilla*, Rom. 16. 5. 1 Cor. 16. 19. should not be understood to bee a congregation, as *Erasmus* readeth it, that is, such a number of Christians as met together in their house: So wee read of the Church in the house of *Nymphas*, Col. 4. 15. And of the Church in the house of *Archippus*, *Philem.* v. 2. However, it is certaine, that Christians met together, one, house by house, *Domi-*

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tium, Act. 2. 46. both these considerations, viz. the multitude of Christians in one Citie, and their assembling together for worship in private houses, have also place in the next ages after the Apostles. Let *Eusebius* speak for them both. *Who can describe*, saith hee, *those innumerable heaps & flocking multitudes, throughout all Cities and famous Assemblies, frequenting the places ded cated to prayer?* Thereafter he proceedeth to shew how in aftertimes by the favour of Emperours, Christians had throughout all Cities, ample Churches built for them, they not being contented with the old *Oratoria*, which were but private houses. Now these two, the multitude of Christians, and the want of Temples, shall abundantly give light to my first proposition. Hist. Eccl. lib. 8. cap. 1.

But it may bee objected to the contrary, that all the Disciples at *Jerusalem* did meet together ἐπὶ τὸ αὐτό, into one place, Act. 2. 44. And the same is said of the Church of *Corinth*, 1 Cor. 11. 20. Ans. The disciples at *Jerusalem*, being at that time above 3000. it cannot be cõceived how any private house could cotain them. Beside, it is said, that they brake bread that is, did celebrate the Lords Supper from house to houte. Therefore many good interpreters understand by ἐπὶ τὸ αὐτό, that all the Disciples were linked together in- Vers. 46.

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to one by amity and love, an evidence where-of is given in the next words, *and had all things common*. To the other place wee answer: 1. That Epistle, whether it were written from *Philippi*, or from *Ephesus*, was undoubtedly written very lately after the plantation of the Gospel in *Corinth*, while as that Church was yet in her infancie. And if it should bee granted, that at that time the whole Church of *Corinth* might and did meet together into one place, this proveth not that it was so afterward: for the Churches increased in number daily, Act. 16.5. But, 2. the place of the Apostle proveth not that which is alledged: for his words may be understood *in sensu distributivo*. It was no solecisme for one that was writing to divers congregations, to say, *When yee come together into one place*, meaning distributively of every congregation, not collectively of them all together.

My second proposition concerning the plurality of the Ministers of the Word in those great Cities, wherein the Apostles did erect Christian Churches, ariseth from these grounds, 1. The multiplicity of Christians. 2. The want of Temples, of which two I have already spoken. 3. The daily increase of the Churches to a greater number, Acts 16.5. 4. There was need of preachers, not only

only for those who were already converted in the City, but also for labouring to winne the unbelievers who were therein. These reasons may make us conclude that there were as many Pastors in one City as there were sacred meetings therein, and some more also for the respects foresaid. And what will you say if we finde examples of this plurality of Pastors in Scripture? Of the Bishops or Pastors of the Church of *Ephesus*, it is said, that *Paul* kneeled down, *and prayed with them all, and they all wept sore*, Acts 20. 36. 37. compared with verse 28. Here is some good number imported. To the Angell of the Church of *Smyrna*, that is, to the Pastors thereof collectively taken, Christ saith, *The Divell shall cast some of you into prison*, Revel. 2. 10. which (if not only yet) principally is spoken to the Pastors, though for the benefit of that whole Church. This is more plaine of the Church of *Thyatira*, verse 24. Τμῖν λεγω καὶ τοῖς, *Vnto you I say, & to the rest in Thyatira*: as if he would say, saith *Paraeus*, *Tibi Episcopo cum collegis & reliquae coetui dico.* *Paul* writeth to the Bishop at *Philippi*, Phil. 1. 1. and notwithstanding that there was already a certaine number of Bishops or Pastors in that City, yet the Apostle thought it necessary to send unto them *Epaphroditus*

alſo, Phil. 2. 25. being ſhortly thereafter to ſend unto them *Timotheus*, verſe 19. yea to come himſelfe, verſe 24. ſo that there was no ſcarcity of labourers in that harveſt. *Epaphras* and *Archippus* were Paſtors to the Church at Coloſſe, and who beſides we cannot tell, but *Paul* ſent unto them alſo *Tychicus*, and *Oneſimus*, Col. 4. 7. 9.

Now touching the third propoſition, no man who underſtandeth, will imagine that the multitude of Chriſtians within one of thoſe great Cities was divided into as many pariſhes as there were meeting places for worſhip. It is a point of controverſie, who did beginne the diviſion of pariſhes; but whoſoever it was, whether *Evariſtus*, or *Higinus*, or *Dionyſius*, certaine it is, that it was not ſo from the beginning, I meane in the daies of the Apoſtles, for then it was all one to ſay, *in every City*, or to ſay, *in every Church*. That which is κατὰ πόλιν, Tit. 1. 5. is κατ' ἐκκλησίαν Acts 14. 22. This is acknowledged by all Anti-prelaticall writers ſo farre as I know, and by the Prelaticall writers alſo.

The laſt propoſition, as it hath not beene denyed by any, ſo it is ſufficiently proved by the former, for that which made the multitude of Chriſtians within one City to be one Church, was their union under and their ſubjection

ſubjection unto the ſame Church government and governours. A multitude may bee one Church, though they doe not meete together into one place for the worſhip of God: for example, it may fall forth, that a congregation cannot meet together into one, but into divers places, and this may continue ſo for ſome yeares together, either by reaſon of perſecution, or by meanes of the plague, or becauſe they have not ſuch a large parish-Church as may containe them all, ſo that a part of them muſt meete in ſome other place: but a multitude cannot be one Church, unleſſe they communicate in the ſame Church government, and under the ſame Governours, (by one Church I meane one Eccleſiaſticall Republike,) even as the like union under civill government and governours maketh one corporation: when the Apoſtle ſpeaketh to all the Biſhops of the Church of *Epheſus*, hee exhorteth them all Acts 20.28.
to take heed to all the flocke, παντὶ τῷ ποιμνίῳ, over which the holy Ghoſt had made them overſeers, ſo that the whole was governed by the common counſell and advice of the Elders, as *Hierome* ſpeaketh: for the ſame reaſon we ſay not the Churches, but the Church of *Amſterdam*, becauſe all the Paſtors and Elders have the charge and

governement of the whole.

From all which hath beene ſaid, I inferre this Corollary, *That in the times of the Apoſtles, the Presbytery, which was the ordinary Court of Iuriſdiction, which did ordaine, depoſe, excommunicate, &c. did conſiſt of ſo many Paſtors and Elders, as could with conveniency meete ordinarily together, which is a patterne and warrant for our Claſsicall Presbyteries.* I confeſſe there might be in ſome townes no greater number of Chriſtians then did meet together in one place, notwithſtanding whereof the Paſtor or Paſtors and Elders of that congregation, might and did manage the government of the ſame, and exerciſe juriſdiction therein. I confeſſe alſo that in thoſe Cities wherein there was a greater number of Chriſtians then could meet together into one place for the worſhip of God, the Preſbytery did conſiſt of the Paſtors and Elders within ſuch a City: for it cannot be proved that there were at that time any Chriſtian congregations in Landward Villages (the perſecution forcing Chriſtians to chooſe the ſhelter of Cities, for which reaſon many are of opinion that the Infidells in thoſe daies were called *Pagani*, becauſe they alone dwelt in *Pagis*) and if there had beene any ſuch adjacent to Cities, we muſt thinke the

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ſame ſhould have beene ſubject to the common Presbytery, their owne Paſtors and Elders being a part thereof. Howſoever it cannot be called in queſtion, that the Presbytery in the Apoſtolicall Churches, was made up of as many as could conveniently meete together, for managing the ordinary matters of Juriſdiction and Church-government. The Paſtors and Elders of divers Cities could not conveniently have ſuch ordinary meetings, eſpecially in the time of perſecution; only the Paſtors and Elders within one City had ſuch conveniency. And ſo to conclude, we doe not forſake, but follow the paterne, when we joyne together a number of Paſtors and Elders out of the congregations in a convenient circuit, to make up a common Presbytery, which hath power and authority to governe thoſe congregations; for if the Presbytery which we find in thoſe Cities wherein the Apoſtles planted Churches, bee a ſure paterne for our Claſſicall Presbyteries (as wee have proved it to bee) then it followeth undeniably that the authority of Church-government, of excommunication, ordination, &c. which did belong to that Primitive Presbytery, doth alſo belong to thoſe our Claſſicall or greater Presbyteries.

CHAP. IV.

Of the authority of Synods Provinciall and Nationall.

TOuching Synods, I ſhall firſt ſhew what their power is, and thereafter give arguments for the ſame. The power of Juriſdiction which wee aſcribe unto Synods, is the ſame in nature and kinde with that which belongeth to Presbyteries, but with this difference, that Presbyteries doe exerciſe it in an ordinary way, and in matters proper to the congregations within their circuit. Synods doe exerciſe this power in matters which are common to a whole province, or nation; or if in matters proper to the bounds of one Presbytery, it is in an extraordinary way, that is to ſay, when either Presbytery hath erred in the managing of their owne matters, or when ſuch things are transferred to the Synod from the Presbytery, whether it be by appellation or by reference.

The power of Juriſdiction, whereof I ſpeake is threefold, [illegible] and [illegible]. So it is diſtinguiſhed by our writers, and

and all theſe three doe in manner foreſaid belong unto Synods. In reſpect of Articles of faith or worſhip, a Synod is *Index* or *Teſtis*: In reſpect of externall order and policie in circumſtances, a contriver of a Canon, or διατακτης: In reſpect of hereſie, ſchiſme, obſtinacie, contempt and ſcandall, *Vindex*: not by any externall coactive power (which is peculiar to the Magiſtrate) but by ſpirituall cenſures.

The dogmaticke power of a Synod, is not a power to make new Articles of faith, nor new duties and parts of divine worſhip, but a power to apply and interpret thoſe Articles of faith, and duties of worſhip which God hath ſet before us in his written Word, and to declare the ſame to be inconſiſtent with emergent hereſies and errours. To this purpoſe it is that the Apoſtle calleth the Church *the pillar and ground of truth*, στῦλος καὶ ἑδραίωμα, not ἀσφάλεια, which may be expounded either *in ſenſu forenſi*, the Church is the publicke witneſſe, notifier and keeper of truth; even as in Courts and places of judgement, there are pillars to which the Edicts of Magiſtrates are affixed, that people may have notice thereof: or *in ſenſu architectonico*, as the Church by her faith is built upon Chriſt, or (wch is all one) upon the doctrine and truth of Chriſt, 1 Tim. 3. 15.

Christ, contained in the writings of the Prophets and Apostles, and leaneth thereto: so by her Ministery she upholdeth, under-propeth, and conserveth this same truth, lest, as the Prophet speaketh, *Truth fall in the streets, & perish among men.* Truth standeth fast in the Church, and is kept firme, while it is professed, preached, propugned and maintained against all contrary errour and heresie. In the same sense saith the Apostle, that unto the Jewish Church *were committed the Oracles of God*, by them to be kept, interpreted, propagated, &c. Rom. 3. 2.

By the Diatakticke power a Synod may institute, restore, or change, according to the condition and exigence of the Church; the externall circumstances in the worship of God, and Ecclesiasticall discipline: I meane those circumstances which are common both to civill and sacred Societies, the conveniencie whereof is determinable by the light of Nature, alwayes observing the generall rules of the Word, which commandeth that all bee done to the glory of God, that all bee done to edifying, that all bee done in order and decencie, that we give none offence, that wee support the weake, that we give no place to the enemies of the truth, nor symbolize with Idolaters, &c. Now for avoiding disorder,

order and diſconformity in a Nation profeſſing one Religion, it is fit that Nationall Synods give certaine directions and rules even concerning theſe rites and circumſtances, not having therein an Arbitrary or Autocratorke power, but being alwayes tied to follow the rules foreſaid.

The Criticke power of a Synod, is not a Lordly imperious dominiering over the flocke of Chriſt, which is not to bee ruled with force and cruelty; but it is the power of ſpirituall cenſures, as excommunication, depoſition, and the like, moſt neceſſary for the repreſſing of hereſie, errour, obſtinacie in wickedneſſe, and ſcandals, otherwiſe incorrigible. Without this power, ſchiſmes and offences could not bee cured, but ſhould the more increaſe; whileas liberty is left to heretickes, ſchiſmatickes, and obſtinate perſons, without any cenſure to peſter and diſturb a whole Nation, without any regard to the conſtitutions of a Nationall Synod.

But may one ſay, if the Decrees of a Synod concerning matters of Faith or Worſhip, may and ought to bee examined by the ſure rule of the word of God, and onely to be received when they doe agree therewith; and if alſo the conſtitutions of a Synod in externall circumſtances, doe not binde, except *ex*

aquo & bono, and *propter juſtas mandandi cauſas*: or, as Divines ſpeak, *in caſu ſcandali & contemptus*, and not for the meere will or authority of a Synod; and if therefore all Chriſtians are by the private judgement of Chriſtian diſcretion, following the light of Gods Word and Spirit, to try and examine all decrees and conſtitutions of any Synod whatſoever, to know whether they may lawfully receive the ſame, as our Divines maintaine and prove againſt Papiſts. If theſe things be ſo, it may ſeeme contrary to Chriſtian liberty, and to the Doctrine of Proteſtant Writers, that Synods ſhould exerciſe the foreſaid Criticke power, or inflict any ſpirituall cenſures, at leaſt upon thoſe who profeſſe, that after examination of the decrees or conſtitutions, they cannot bee perſwaded of the lawfulneſſe of the ſame.

Anſ. 1. Our Divines by thoſe their tenents, meane not to open a doore to diſobedience and contempt of the ordinances of a Synod, but onely to oppugne the Popiſh errour concerning the binding power of Eccleſiaſticall lawes, by the ſole will and naked authority of the law-maker, & that Chriſtian people ought not to ſeek any further reaſon or motive of obedience. 2. A Synod muſt ever put a difference betwixt thoſe who out of a reall

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ſcruple of conſcience, doe in a modeſt and peaceable way, refuſe obedience to their ordinances, ſtill uſing the meanes of their beter information, & thoſe who contemptuouſly or factiouſly diſobey the ſame, labouring with all their might to ſtrengthen themſelves in their errour, and to perſwade others to be of their minde. 3. This objection doth militate no leſſe againſt Eccleſiaſticall cenſures in a particular congregation, then in a Nationall Synod. And they who doe at all approve of Church cenſures to be inflicted upon the contemptuous and obſtinate, ſhall put in our mouthes an anſwer to objections of this kinde.

CHAP. V.

The firſt Argument for the authority of Synods, and the ſubordination of Preſbyteries thereto, taken from the light of nature.

HAving now deſcribed the power of particular Elderſhips (which we call Seſſions) of Claſſicall Presbyteries, and of Synods, Provinciall and Nationall,

It remaineth to confirme by Arguments the ſubordination and ſubjection of the particular Elderſhips, to the Claſſicall or common Presbytery, of both to the Provinciall Synod, and of all theſe to the Nationall Aſſembly: So that every one may perceive what reaſon the Church of Scotland hath to give unto the higher Eccleſiaſticall Courts authority over the lower.

I might inſiſt long enough both in the Teſtimonies of Proteſtant Writers, and in the examples of the reformed Churches abroad, as alſo in the examples of all the ancient Churches, all ſpeaking for this authority of Synods. But theſe I ſhall paſſe, becauſe I know Arguments from Scripture, and reaſon, are required, and ſuch we have to give.

Firſt of all I argue from the very light & law of nature. That ſame light of nature which hath taught our Common-wealth, beſide the Magiſtrates and Councells of particular Burghs, to conſtitute higher Courts, for whole Shires, Baliveries, Stuartries, Regalities: and above all theſe, the ſupreame Court of Parliament to governe the whole Nation, hath alſo taught our Church to conſtitute Synods Provinciall and Nationall, with power and authority above Presbyteries. Wee are farre from their minde who would

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make Policy the Mistresse, and Religion the Handmaid, and would have the government of the Church conformed to the government of the State as the fittest paterne. But this we say, in all such things as are alike common to the Church and to the Common-wealth, and have the same use in both, whatsoever natures light directeth the one, it cannot but direct the other also; for as the Church is a company of Christians subject to the Law of God, so is it a company of men and women who are not the outlawes of nature, but followers of the same. It is well said by one, *Hoc certissimum est &c. This is most certaine, that the Church is a certaine kinde of Republike for it hath all those things which all Republikes must needs have, but it hath them in a different way, because it is not a Civill, but an Eccleſiaſtic all Republike.* And againe, *Est ergo, &c. So that this Republike is much more perfect then all others, and therefore cannot but have the things which they have that are in dignity farre inferiour to it.* So saith *Robinson* in his justif. of separ. pag. 113. *The visible Church*, saith he, *being a politie Eccleſiaſticall and the perfect on of all polities, doth comprehend in it whatsoever is excellent in all other bodies politicall.* Now so it is, that while as some hold the government of the Church to bee Monarchi-

V. B. A. C. de Polit. civil. & Eccleſ. pag. 43.

call, others Ariſtocraticall, others Democraticall, others mixed of all theſe; they all acknowledge that the Church is a Republike, and ought to bee governed even as a Civill Republike, in things which are alike common to both: of this kinde are Courts and Judicatories, which doe alike belong to both, and have the ſame uſe in both, *viz.* for rule and government; therefore as natures light doth undeniably enforce diverſity of Courts in the Common-wealth, ſome particular, ſome generall, ſome lower, ſome higher, and the latter to have authority over the former, it doth no leſſe undeniably enforce the like in the Church, for *de paribus idem judicium.* It cannot bee denyed that the Church is led by natures light in ſuch things as are not proper to religious holy uſes, but alike common to civill ſocieties, at leaſt in ſo farre as they are common to ſacred and civill uſes. The Aſſemblies of the Church in ſo farre as they treat of things Spirituall and Eccleſiaſticall, after a ſpirituall manner, for a ſpirituall end, and doe conſiſt of ſpirituall Office-bearers as the members conſtituent, in as farre they are ſacred, and the Church is therein directed by the Word of God alone; yet the having of Aſſemblies and Conſiſtories, and divers ſorts of them, and the lower ſubordi-

ſubordinat to the higher, all this is not ſacred nor proper to the Church, but common with her to the Common-wealth, nature commending therein to the one, what it commendeth to the other.

CHAP. VI.

The ſecond Argument taken from Chriſts Inſtitution.

AS wee have Nature, ſo have wee Chriſts Inſtitution for us, and this ſhall appeare two wayes. Firſt, the fidelity of Chriſt, both in his Propheticall & in his Regall or Nomotheticall power, was ſuch, that he hath ſufficiently provided for all the neceſſities and exigences whatſoever of his Churches, to the end of the world. Therefore the Apoſtle calleth him as faithfull in all the houſe of God, as ever *Moſes* was, who delivered lawes ſerving for the government of the Church of the Jewes in all caſes. Whence we collect, that the authority of Claſſicall Presbyteries over the Elderſhips of particular congregations, and the authority of Synods over both, muſt needs have a warrant from Chriſts owne Inſtitution, Heb. 3. 2.

tion, because without this authority, there are very important necessaries of the Churches, that cannot be helped. For example, in most congregations, especially in Dorps and Villages, when a Pastor is to be ordained, the particular Eldership within the congregation can neither examine and try his gifts, and his soundnesse in the faith, (which examination must necessarily precede his ordination,) nor can they discover him, in case he be a subtile and learned hereticke; nor yet can they pray in the congregation over him which is to be ordained, and give him publicke exhortation and admonition of his duty, God having neither given to the Elders of every congregation, nor yet required of them such abilities. What shall be done in this case? *Ainsworth* would have the worke stayed, and the Church to want a Minister, till she be able to doe her workes, and her duties which are proper to her. Alas! had Christ no greater care of the Churches then so? shall they be destitute of a Pastor, ever till they be able to try his gifts and soundnesse, and to exhort and pray at his ordination? and how shall they ever attaine to such abilities except they bee taught? and how shall they bee taught without a Teacher? Now the power and authority of Classicall Presbyteries, to ordain

Against Paget Chap. 5.

Pastor

Paſtors in particular congregations, ſhall cut off all this deduction of abſurdities, and ſhall ſupply the Churches need. I may adde another inſtance concerning the Claſſicall Presbytery it ſelfe. What if the one halfe thereof turne to be hereticall, or it may bee the major part? They ſhall either have moſt voyces, or at leaſt the halfe of the voyces for them, and there ſhall bee no remedy, unleſſe the authoritative determination of a Synod be interpoſed.

Secondly, the will of Chriſt for Provinciall and Nationall Aſſemblies to bee over Presbyteries, even as they are over the Elderſhips of particular congregations, appeareth alſo in this. He hath given us in the new Teſtament, expreſſe warrant for Eccleſiaſticall Courts and Aſſemblies in generall, that ſuch there ought to be, for the right government of the Church, Matth. 18. 20. *Where two or three are gathered together in my Name, there am I in the midſt of them.* Act. 15. 6. *And the Apoſtles and Elders came together for to conſider of this matter.* From theſe and the like places, it is plaine, that Chriſt willeth juriſdiction to bee exerciſed, and controverſies to bee determined by certaine Conſiſtories and Aſſemblies. Of the exerciſe of juriſdiction is the firſt place, which I have cited

to bee understood, as the cohesion thereof with the purpose which went before, sheweth. Of determining questions of faith, and enacting lawes concerning things in their owne nature indifferent, is the other place to be understood, as wee shall heare afterward. So then, wee truely affirme of Ecclesiasticall Assemblies in generall, that power is commited by Christ unto them, to exercise jurisdiction, to determine questions of faith, and to make constitutions about things indifferent, in the case of scandall. Now the severall sorts of these Assemblies are not particularly determined in Scripture, but left to be particularly determined by the Church, conforme to the light of Nature, and to the generall rules of the Word of God. And the particular kindes of Assemblies appointed by the Church, conforme to the light and rules foresaid, doe fall within the compasse of those precepts which are *Divino-Ecclesiastica*: they are mixed (though not meere) divine ordinances. Even as the Scripture warranteth times of fasting, and times of thankesgiving, shewing also the causes and occasions of the same, and the right manner of performance; but leaveth the particular dayes of fasting and thankesgiving to be determined by the Church, according to the

the rules of the Word. In like manner, the Scripture commendeth the renewing of the covenant of God in a Nation that hath broken it, but leaveth the day and place for such an action to be determined by the Church, according to the rules foreſaid. Now if the Church following the generall warrant and rules of the Word, command to faſt ſuch a day, to give thankes ſuch a day, to renew the covenant of God ſuch a day; theſe things are divine ordinances mixedly, though not meerely; and he who diſobeyeth, diſobeyeth the commandement of God. The like may be ſaid of catechiſing, and of celebrating the Lords Supper, (which are not things occaſionall, as the former, but ordinary in the Church:) they are commended by the warrants of Scripture, but the particular times and ſeaſons not determined. The like wee ſay of the order to be kept in baptiſme, and in excommunication, which is not determined in the Word, though the things themſelves be. The removing of ſcandals, by putting wicked perſons to publike ſhame, and open confeſſion of their faults in the Church, hath certaine warrant from Scripture, yet the degrees of that publike ſhame and puniſhment, are left to be determined by the Church, according to the quality

of the ſcandall, and the rules of the Word. Now the Church appointeth ſome ſcandalous perſons to be put to a greater ſhame, ſome to a leſſer, ſome to bee one Sabbath in the place of publike repentance, ſome three, ſome nine, ſome twenty five, &c. And if the offender refuſe that degree of publike ſhame which the Church, following the rules foreſaid appointeth for him, hee may be truely ſaid, to refuſe the removing and taking away of the ſcandall, which the Word of God injoyneth him, and ſo to diſobey not the Church only, but God alſo. Juſt ſo the Scripture having commended unto us the governing of the Church, the making of Lawes, the exerciſe of Juriſdiction, the deciding of controverſies, by Conſiſtories and Aſſemblies Eccleſiaſticall, having alſo ſhewed the neceſſity of the ſame, their power, their rule of proceeding and judging, who ſhould ſit and voice in the ſame, &c. But leaving the particular kindes, degrees, times, bounds, and places of the ſame to be reſolved upon by the Church, according to the light of naturall reaſon, and generall rules of the Word: The Church for her part, following the generall warrant and rules foreſaid, together with the light of nature, hath determined and appointed Aſſemblies,

Provinciall

Provinciall and Nationall, and to exercise respectively that power which the Word giveth to Assemblies in generall. The case thus standing, we may boldly maintaine that those particular kinds and degrees of Ecclesiasticall Assemblies, are Gods owne ordinances mixedly, though not meerely.

But what can bee the reason, may some man say, why the Scripture hath not it selfe determined these kinds of Assemblies particularly. I answer, three reasons may be given for it: 1. because it was not necessary, the generall rules of the word together with natures light which directeth Commonwealths in things of the same kind, being sufficient to direct the Church therin. 2. As seasons and times for the meeting of Assemblies, so the just bounds thereof in so many different places of the world, are things of that kinde which were not determinable in Scripture, unlesse the world had beene filled with volumes thereof; for, *Individua sunt Infinita.* 3. Becaufe this constitution of Synods Provinciall and Nationall, is not universall for all times and places: for example, there may be in a remote Island 10. or 12. Christian congregations, which beside their particular Elderships have a common Presbytery, but are not capable of Synods either

Provinciall or Nationall. Againe, let there bee an Iſland containing forty or fifty Chriſtian congregations, there ſhall be therein, beſide Presbyteries, one kinde of a Synod, but not two kindes. Beſides, the reformed congregations within a great Nation, may happly be either ſo few, or ſo diſperſed and diſtant, or ſo perſecuted, that they can neither have Provinciall nor Nationall Aſſemblies.

CHAP. VII.

The third Argument, taken from the Iewiſh Church.

IN the third place we take an Argument from the example of the Jewiſh Church; for as in their Common-wealth there was a ſubordination of civill Courts, every City having its proper Court, which did conſiſt of ſeven Magiſtrates, if we beleeve *Ioſephus*: the Thalmudicall tradition maketh two Courts to have beene in each City, the leſſer of the *Triumvirat*, and the greater of twenty three Judges. Beſide theſe, they had their ſupreame Conſiſtory, the civill Sanedrim, which governed the whole Nation, and had autho-

authority over the inferiour Courts. So was there alſo a ſubordination of Eccleſiaſticall Courts among them: they had a Conſiſtory in every Synagogue, for their Synagogues were appointed not only for prayer and praiſing of God, and for the reading and expounding of the Scriptures, but alſo for publike correction of offences, Acts 26. 11. They had beſides, a ſupreame Eccleſiaſtical Court, whereunto the whole nation, and all the Synagogicall Conſiſtories were ſubject. This Court having decayed, was reſtored by *Iehoſhaphat*, 2 Chron. 19.8. and it had the name of *Sanedrim*, common to it with the ſupream civill Court. From this Court did the reformation of that Nationall Church proceed, Nehem. 6. 13. *On the ſecond day were gathered together the chiefe of the fathers of all the people, the Prieſts and the Levits, unto Ezra the Scribe, even to underſtand the words of the Law. And they found written in the Law, &c.* Whether there was yet another Eccleſiaſticall Court, in the midle betwixt the Synagogue and the Sanedrim, called πρεσβυτέριον, a Presbytery, Luke 22.66. Acts 22. 5. and made up poſſibly out of the particular Synagogues within the Cities, I leave it to learned men to judge: howſoever, it is plaine from Scripture, that there was at leaſt a two-

fold

fold Eccleſiaſticall Court among the Jewes the Synagogue and the Sanedrim, the latter having authority above the former.

De Presbyt. Pag. 25.

Sutlivius denyeth both theſe, and ſo would have us believe that the Jewiſh Church had no Eccleſiaſticall Court at all. As for the Synagogues, he ſaith, they treated of things civill, and inflicted civill puniſhments, and a civill excommunication. That they inflicted civill puniſhment, he proveth from Mat. 10. and 23. and Luke 21. where Chriſt foretelleth that his Diſciples ſhould bee beaten in the Synagogues. That their excomunication was civill, he proveth by this reaſon, that Chriſt and his Diſciples when they were caſt out of the Synagogues, had notwithſtanding a free entry into the Temple, and acceſſe to the ſacrifices. *Anſw.* This is a groſſe miſtake; for 1. the civill Court was in the gate of the City, not in the Synagogue. 2. He who preſided in the Synagogue was called *the chiefe Ruler of the Synagogue*, Acts 18.8.17. the reſt who ſate and voiced therein, were called *the Rulers of the Synagogue*, Acts 13.15. They who ſate in the civill Court had no ſuch names, but were called Judges. 3. Our Saviour diſtinguiſheth the Synagogicall Courts from the civill Courts of judgement in Cities, calling the one Councells, the other

ther Synagogues, Matth. 10. 17. 4. The beating and ſcourging in the Synagogues was an errour and abuſe of the later times, the corrective power of thoſe Conſiſtories being properly ſpirituall, and ending in excommunication, Jo. 16. 2. Iſai. 66. 5. the liberty of which ſpirituall cenſures the Romans did permit to the Jewes, together with the liberty of their religion, after they had taken away their civill Juriſdiction. 5. Civill excommunication is an unknowne word, and his reaſon for it is no leſſe unknowne; for where he hath read that Chriſt or any of his Diſciples were excommunicate out of the Synagogues, and yet had free acceſſe to the Temple, I cannot underſtand, if it be not in the Goſpell of *Nicodemus*. I read, Luke 4. 28. 28. that Chriſt was in a great tumult cast out of the City of *Nazareth*; but this I hope no man will call excommunication. The blinde man, Joh. 9. 34. was indeed excommunicated out of the Synagogue, but wee no where read that hee was thereafter found in the Temple: we read of Chriſts walking in *Solomons* porch, Jo. 10. 23. but that the blinde man was then with him, it can never be proved, and if it could, it ſhould not import any permiſſion or leave given to excommunicate perſons to enter into the Temple,

but that some were bold to take this liberty. 6. The casting out of the Synagogue cannot be called civil excommunication, because the communion and fellowship of the Jewes in the Synagogue was not civill, but sacred: they met for the worship of God, and not for civill affaires. 7. If by civill excommunication he meane banishment, or casting out of the City (for I conceive not what other thing this strange word can import) then how doth he suppose that they had still free accesse to the Temple, who were so excommunicated, for this importeth that they were still in the City.

Wee have now evinced an Inferiour Ecclesiasticall Court among the Jewes. Come we next to the supreame Court. That there was an high Ecclesiasticall Sanedrim, distinct from the Civill Sanedrim, is observed by *Pelargus* on Deut. 17. and *Sepingius ad hanam fidem Sibrandi. pag.* 261. *& seq.* Beside many others cited before, *part.* 1. *chap.* 11. And that it was so, wee prove from three places of the old Testament, to passe other places, from which certaine collections may be had to the same purpose.

First, we finde Deut. 17. a distinction of two supreame Judicatories, to bee set in the place which the Lord should choose to put his

his name there, the one of the Priests & Levites, the other of the Judges: & unto these two supreame Courts, the Lord appointed all matters which were too hard for the inferiour Judges in the Cities of the Land, to bee brought and determined by their authority, and the sentence of the Priests or of the Judges to be obeyed both by the parties and by the inferiour Judges, under pain of death, v. 8. 9. 10. 11. 12. To this *Sutlivius* answereth, that there is only one Sanedrim in that place, which was civill, as appeareth by their judging of the causes of blood, and their receiving of appellations from the civill Judges mentioned in the preceding Chapter. As for the Judge which is spoken of v. 9. and 12. he saith, we must understand that it was the high Priest. *Ans.* 1. The disjunctive *or* doth distinguish the Judges from the Priests, verse 12. as *Iunius* and *Ainsworth* doe rightly note upon that place: *The man that will doe presumptuously, and will not hearken unto the Priest (that standeth to minister there before the Lord thy God) or unto the Iudge.* Here a distinction betwixt the Court of the Priests and the Court of the Judges, which *Lyranus* also acknowledgeth. 2. The Chaldee readeth *Iudges* in the plurall. By the Judge, saith *Ainsworth*, is understood the high Councell or Senat of

De Presbyt. pag. 16.

Judges, even as they who are called Priests, verse 9. are called the Priest, verse 12. and 1 Chron. 4.42. many Captaines are in the Hebrew called *an head*. 3. The high Priest cannot be understood to bee the Judge there spoken of, both because there were many Judges, as hath beene said, and because wee finde not in Scripture that ever the high Priest was called by the name of the Judge. 4. Whereas hee objecteth that the causes of blood, and other civill causes were judged in this Sanedrim. Wee answer, there were two severall things in those civill causes, the *Jus* and the *factum*. The *Jus* was judged in the Court of the Priests, because as *Bilson* teacheth, the civill Law of the Jewes was Gods judiciall Law, and it was to be sought at the Priests mouth. But the fact being meerely civill, was judged by the civill Court. *Sutlivius* objecteth, that many inconveniences shall follow this distinction. 1. Judges are hereby made ignorant of the Law. 2. That two Courts of judgement are appointed in one sentence. 3. That a Judge (the Priest) may give out a sentence which he cannot execute. 4. That the civill Judges doe in vaine inquire concerning the fact which was before certaine by the Law, *nam ex facto jus oritur*. 5. That the civill Judges

De gub. Eccl. cap. 2. p. 43.

Mal. 2. 7.

Judges are dumbe Images, which muſt pronounce according to the ſentence of others. To the 1. we ſay that our diſtinction doth not import that the Judges were ignorant of the Law, but that it pertained not to them to judge the meaning of the Law, when the ſame was controverted among the Infeſeriour civill Judges: this pertained to the Court of the Prieſts. 2. It is no abſurdity to expound a disjunctive ſentence of two ſeveral Courts. 3. He who anſwereth meerely, *de jure*, hath nothing to doe with execution of perſons more then theory hath to doe with practice, or abſtracts with concrets. 4. The fact can never be certaine by the ſentence, *de jure*. It is not the probation, but the ſuppoſition of the fact whereupon the expoſition of the ſence o. the Law is grounded. 5. The cognition of the fact, not of the law, doth belong to an Inqueſt in *Scotland*, they are *Judices facti*, *non Iuris*. Yet no dumbe Images I ſuppoſe. 6. Hee hath followed the Popiſh Interpreters, in making the Judge to be the High Prieſt, for ſo they expound it for the Popes cauſe; yet they themſelves acknowledge the diſtinction of *Ius* and *factum*. See *Corn. a lapide. in Deut.* 17.7. If error had not blinded this mans eyes with whom I deale, I ſhould believe hee had beene

ſlumbring when theſe things fell from his pen.

But to proceed, as theſe two Sanedrims were inſtituted in the Law of *Moſes*, ſo were they after decay or deſuetude reſtored by *Iehoſhaphat*, 2 Chro. 19. 8. *Sutlivius* anſwereth, that wee have here only one Sanedrim which judged both the Lords matters, and the Kings matters, and that it was not an Eccleſiaſticall Court, becauſe it judged cauſes of blood, and other civill cauſes wherein appellation was made from the Judges of the Cities. By the Lords matters, hee ſaith, are meant criminall and civill cauſes, which were to be judged according to the Law of the Lord; and by the Kings matters are meant, his patrimony and domeſticke affaires. Anſwer 1. The Text diſtinguiſheth two Courts, one which medled with the Lords matters, whoſe preſident was *Amariah*, the chiefe Prieſt: another which medled with the Kings matters, whoſe preſident was *Zebadiah*. This is ſo plaine, that *Bonfrerius* the Jeſuit on Deut. 17. though he maketh the Prieſts to have beene the Judges, yet acknowledgeth two diſtinct Courts, 2 Chron. 19. 2. The words verſ. 8. muſt be underſtood reſpectively, as *Didoclavius* hath obſerved, which we explaine thus, *Moreover in Ieruſalem did Iehſhoaphat ſet of the Levits, and*

Ubi ſupra p. 20

Alt. dam. p. 24.

and of the Prieſts, and of the chiefe of the Fathers of Iſrael, for the judgement of the Lord, (that is for cauſes Eccleſiaſticall) *and* (repeat, *of the Levits, of the Prieſts, and of the chiefe of the Fathers of Iſrael*) *for controverſies* (about civill matters, ſaith *Piſcator.*) So that ſome of them were appointed to judge the one, and ſome of them to judge the other, which proveth not either that the Courts were one, or that the ſame men ſate in both, but only that ſome of the Prieſts and ſome of the Fathers of Iſrael were in both. 3. The Lords matters *Lavater* and *Piſcator* expound to be matters Eccleſiaſticall, the Kings matters to be things civill; and this expoſition comprehendeth all things which did fall within the power of thoſe Courts. But *Sutlivius* gloſſe doth not ſo, for there were ſundry things to be judged which were neither the Kings domeſticke affaires, nor yet cauſes criminall or civill, ſuch as were queſtions about vowes, queſtions about the meaning of the Law, and judging betwixt the holy and the prophane, betwixt that which was cleane and that which was uncleane. Theſe and ſuch like Eccleſiaſticall cauſes he leaveth out, and they are indeed left out of the power of the civill Sanedrim, and reſerved to the other, for in ſuch controverſies the Prieſts were to ſtand in judge-

ment

ment, Ezech. 44. 23. 24. Lastly, it is not to be thought, that the high Sanedrim should neede to be troubled with the Kings domesticke affaires, farre lesse that this should be made the one halfe of their commission.

Now as wee have the institution of these two supreame Courts, Deuter. 17. and the restitution of them both, 2 Chron. 19. so have we an example of both, Jerem. 26. For first, *Ieremiah* was condemned, as worthy of death, because hee had spoken against the Temple and the holy place, verse 8. 11. and herein saith, *Oecolampadius* on that place, hee was a Type of Christ, against whom it was pronounced in the Councell of the chiefe Priests and Elders, *He is* guilty of death. Matth. 26. 66. So did this Ecclesiasticall Court conclude against *Ieremy*, *He is worthy of Death*: yet the contrary was concluded in the civill Sanedrim, verse 10. 16. *This man*, say they, *is not worthy to dye, for he hath spoken to us in the Name of the Lord our God*. As much as to say, you Priests have given sentence *de jure* against *Ieremiah*, but we finde he is not guilty of the fact whereof he is accused, for he hath spoken nothing but the truth which the Lord sent him to speake; therefore as you pronounced him worthy of death, upon supposition of the fact, wee now pronounce that

that he is not worthy of death, becauſe wee finde him blameleſſe of the fact. *Sutclivius* denieth that the Prieſts were *Iudices Iuris*, and the Princes *Iudices facti*; only the Princes did againſt the will of the Prieſts ſet *Ieremiah* free, whom they had deſtinated to death: But ſay I, he muſt either deny that *Ieremiah* was judged in two ſeverall Courts, or not, if he deny it, the Text is againſt him: for that hee was judged in the Court of the Princes, it is plaine from verſe 10. 16. and that hee was judged in the Court of the Prieſts, is plaine alſo from verſe 8. 9. Where we finde the Prieſts comming together, neither to reaſon with *Ieremiah* (for they had no ſuch purpoſe as to give him leave to ſpeake for himſelfe) nor yet to accuſe him, for that they do before the Princes, v. 11. Therefore it was to give ſentence for their part againſt him, which they did; but if he grant that ſentence was given in two Courts, I would gladly know what difference could bee made betwixt the one ſentence and the other, except that difference, *de jure*, and *de facto*, eſpecially the ſame ſuting the Text ſo well as hath beene ſaid. Ubi ſupra pag. 28.

Of the veſtigies of thoſe two ſupreame Courts ſtill remaining in ſome ſort diſtinct, in the daies of Chriſt, I have ſpoken before.

Bertram. de polit. Jud. cap. 11. ex 18.

And now to proceed. Wee have proved the Antecedent of this our preſent Argument, concerning diſtinct Eccleſiaſticall Courts among the Jewes, and the ſubjection of the lower unto the higher of the Synagogue unto the Sanedrim.

Sutliv. de Preſ. cap. 2.

But we have yet more to doe, for the conſequence of our Argument is alſo denyed both by the Prelaticall faction, and by others (whom wee are more ſorry to contradict) holding that reaſons fetcht from the Jewiſh Church, doe better fat the Prelats, then the Conſiſtorians; howſoever now to fetch the forme of Government for the Church, from the Church of the Jewes, were, ſay they, to revive the old Teſtament. To me it ſeemeth ſtrange, that both the one ſide, and the other, doe when they pleaſe, reaſon from the formes of the Jewiſh Church, and yet they will not permit us to reaſon in like manner. The former goe about to prove the Prelacy by the high Prieſthood, and the lawfull uſe of Organs in the Church, from the like in the Temple of *Solomon*. The latter doe argue, that a Congregation hath right not only to elect Miniſters, but to ordaine them, and lay hands on them, becauſe the people of Iſrael laid hands on the Levits. That the maintainance of the Miniſters of the Goſpell, ought

Robinſon Juſt. of ſepar. p. 163.

See apolog. againſt the Oxford D.D. p. 47. 48. 59. 62. Robinſon Juſtif. p. 122. 123.

ought to bee voluntary, becauſe under the Law, God would not have the Prieſts and Levits, to have any part or inheritance in the Land of Canaan, but to be ſuſtained by the Offerings and Altars of the Lord. That the power of excommunication is in the body of the Church, becauſe the Lord laid upon all Iſrael the duty of removing the uncleane, and of putting away leaven out of their houſes at the feaſt of Paſſover. Is it right dealing now, to forbid us to reaſon from the forme of the Jewes. I will not uſe any further expoſtulation, but let the Reader judge. The truth is this, even as that which is in a childe, as he is a childe, agreeth not to a man, yet that which is in a childe, as he is *animal rationale*, agreeth alſo to a man: ſo what wee finde in the Jewiſh Church, as it was Jewiſh, or in infancy and under the pedagogy of the Law, agreeth not indeed to the Chriſtian Church. But whatſoever the Jewiſh Church had, as it was a politicall Church, or Eccleſiaſticall Republike (of which ſort of things, the diverſity and ſubordination of Eccleſiaſticall Courts was one) doth belong by the ſame reaſon to the Chriſtian Church. I ſay further, though the Common-wealth and civill Policy of the Jewes, be not in all points a patterne to our civill Policy, yet I am ſure

It is no errour to imitate the civill policy of the Jewes, in such things, as they had, not for any speciall reason proper to them, but are common to all well constituted Common-wealths, and so wee may argue from their Common-wealth, that it is a good policy to have divers civill Courts, and the higher to receive appellations from the Inferiour, as it was among them. Shall wee not by the very like reason fetch from their Ecclesiasticall Republike, diversity of Spirituall Courts, and the supreame to receive appellations from the Inferiour, because so was the constitution of the Jewish Church, and that under the common respect and account of a politicall Church, and not for any speciall reason, which doth not concerne us.

CHAP. VIII.

The fourth Argument, taken from Acts 15.

THE example of the Apostolicall Churches, Acts 15. maketh for us. The Churches of *Antioch*, *Syria*, and *Cilicia*, being troubled with the question about

about the Jewiſh Ceremonies, the matter was debated and diſputed at *Antioch*, the chiefe towne of *Cæloſyria*, where *Paul* and *Barnabas* were for the time. It is very probable, that ſome out of the other Churches in that Province, as alſo out of the Churches of *Cilicia*, were preſent in that meeting and conference, for they were troubled with the very ſame queſtion, no leſſe then the Church of *Antioch*. Howſoever the matter could not be agreed upon in that meeting, but a reference thereof, was made to a more generall aſſembly at *Hieruſalem*, and for that effect *Paul* and *Barnabas*, and others with them, were ſent thither. All this is cleare by comparing verſe 2. with 23. Hereupon the Apoſtles and Elders did ſynodically come together at *Hieruſalem*, and decided the queſtion, giving forth decrees to be obſerved by the particular Churches, Acts 15.6.28. and 16.4. We will not diſpute what ſort of Synod this was, only that it was a Synod with authority over many particular Churches and Congregations, and whereuntō the meeting at *Antioch* (whether it was provinciall, or Presbyteriall only) did referre the determination of the queſtion about Jewiſh ceremonies.

It is anſwered by ſome. 1. That the reaſon of ſending *Paul* and *Barnabas* to *Hieruſalem*,

was to know whether these teachers who presſed the obſervation of the ceremoniall Law had any ſuch commiſſion from the Apoſtles and Elders, as they pretended. 2. That there is here no Synod, nor aſſembly of the Commiſſioners of divers Churches, for there were no Commiſſioners from the reſt of the Churches in *Iudea*, *Galilee*, and *Samaria*, mentioned Acts 9. 31. nor from the Churches of the Gentiles mentioned Act. 14. 23. neither were *Paul* and *Barnabas*, and the reſt who went with them, Commiſſioners to repreſent the Church of *Antioch*, but meſſengers only to make narration of the caſe. 3. Not only the Apoſtles and Elders, but the whole Church at *Hieruſalem* met together. 4. If the reſolution which was given, be conſidered, as the judgement of the Church at *Hieruſalem*, it was only her advice to her ſiſter Churches, if otherwiſe conſidered, it was a decree abſolutely Apoſtolicall, and divine Scripture by infallible direction from the holy Ghoſt, and for that reaſon impoſed upon all the Churches of the Gentiles, though they had no Commiſſioners there.

These anſwers had need to be ſtronger, before that ſo many Fathers, Councells, and Proteſtant Writers, who have underſtood the matter otherwiſe ſhould all bee put in an error.

To

To the first wee reply, that the reason of sending *Paul* and *Barnabas* to *Hierusalem*, was not so much to know, whether these teachers had commission from the Apostles and Elders, to presse the keeping of the Law of *Moses*, as to get a resolution of the question it selfe, verse 2. *about this question.* Now the question was not what commission the Apostles had given to those teachers, but whether they should be circumcised, after the manner of *Moses*, verse 1.

To the second, we say, that if *Paul* and *Barnabas*, were messengers to make narration of the case, certainely they were more then sufficient messengers, and there was no need of others to be joyned in message with them, so that it appeareth the rest who were sent with them were Commissioners to represent the Churches which sent them. Neither is it credible, but that all the Churches of *Syria* and *Cilicia*, which were in the same case, with the Church of *Antioch*, did send their Commissioners also to *Hierusalem*, for otherwise, how could the Apostles and Elders have so certaine and perfect intelligence of the case of those Churches, verse 23. Beside it had beene a great neglect in those Churches, if they had not sent some to *Hierusalem*, as the Church of *Antioch* did, for if it was

expedi-

expedient which *Antioch* did, they ought no leſſe to have done it, their caſe being the ſame. Moreover it may be collected from verſe 3. that the other Churches through which *Paul* and *Barnabas* paſſed in their journey, did ſend ſome companions along with them, to joyne with them in their errand, and to give their conſent in the meeting at *Hieruſalem*, unto that which was to be concluded. This is the obſervation of *Cajetan*, *Menizerus*, *Calvin*, *Gualther*, and other Interpreters upon that place.

Laſtly, it is no way probable, that the Apoſtles and Elders at *Hieruſalem*, together with thoſe who were ſent from the Churches of *Antioch*, *Syria*, and *Cilicia*, and the other Churches through which *Paul* and *Barnabas* did travell, would come together without acquainting the reſt of the Churches of Judea, which were ſo neare at hand, and might ſo eaſily ſend their Commiſſioners to *Hieruſalem*.

To the third wee reply, that it cannot bee proved from the Text that the body of the Church of *Hieruſalem* was preſent, but rather it appeareth from verſe 6. that they were not preſent, as hath been ſaid before. And though it were granted that they were preſent, yet Maſter *Robinſon* ſaith, that they did no more

Chap. 1.

Juſtif. p. 166.

more then conſent to the decree.

To the laſt anſwer, it is certaine that the concluſion of that meeting at *Hieruſalem*, was not a naked counſell and advice, but a decree impoſed with authority upon the Churches, Acts 15. 28. and 16. 4. and 21. 25. And whereas it is affirmed, that the decree was meerely Apoſtolicall, and that the Elders did no more then conſent thereto, even as the brethren did, this is manifeſtly againſt the Text, for Acts 16. 4. It is ſaid of *Paul* and *Silas as they went through the Cities they delivered them the decrees for to keep, that were ordained of the Apoſtles & Elders that were at Hieruſalem.* And Act. 21. 25. all the Elders ſpeaking to *Paul*, ſay, *as touching the Gentiles which believe, wee have written and concluded that they obſerve no ſuch thing.* That this was ſpoken by al the Elders, is plain from v. 18. 19. 20. So then the Elders did decree, ordaine, and conclude theſe things to bee impoſed upon the Churches of the Gentiles, and not the Apoſtles only. Now the Elders of the Church of *Hieruſalem*, had

Robinſon ib.

Whittak. controv. 3. de con. queſt. 3.

Sed ut totam iſtam controverſiam dirimamus inſpiciamus (quæſo) Act. 16. 4. Ubi legimus Paulum civitatibus illis per quas tranſibat tradidiſſe τὰ δόγματα τὰ κεκριμένα ὑπὸ τῶν ἀποστόλων καὶ τῶν πρεσβυτέρων, &c. Quis nunc negare audet Presbyteros quoq; habuiſſe ſuffragium, deciſivum, &c. Nam vocabulum κεκριμένα ad utroſq; ex æquo accommodatur, Hæc tam aperta ſunt ut nemo refragari poſſit.

no authority to impoſe their decrees upon all the Churches of the Gentiles, with whom they had nothing to doe, as Mr. *Robinſon* ſaith truely. Since therefore theſe things were impoſed upon the Churches of the Gentiles, as the decrees ordained by the Apoſtles and Elders, at *Hieruſalem*, this doth neceſſarily import that there were in that meeting, delegates and commiſſioners from the Churches of the Gentiles, which did repreſent the ſame.

CHAP. IX.

The fifth Argument, taken from Geometricall proportion.

AS is the proportion of 3. to 9. ſo is the proportiō of 9. to 27. of 21, to 81. &c. This rule of Giometricall proportion affoordeth us a fifth Argument for the point in hand. If we ſhould grant the government of the Church to be popular, then by what proportion, one or two are ſubject to a whole congregation, by the ſame proportion is that congregation ſubject to a provinciall, or a nationall congregation. I meane, if all the

the congregations in a province or a nation were assembled into one collective body (as all the males of the Jewes did assemble thrice in the yeare at *Hierusalem*, and as in the daies of the Judges, the whole congregation of the children of Israel was assembled together in *Mizpeh*, as one man, from *Dan* even to *Beersheba*, foure hundred thousand men, to try the cause of the Levite, and to resolve what to doe there-anent, which meeting of the Nation, was ordered by Tribes, the Tribes by families, the families by persons) in that case any one particular congregation behoved to be subject to the generall congregation, by the same reason whereby one man is subject to the particular congregation, whereof he is a member, because the whole is greater then a part, and the body more then a member. Now the same rule holdeth in the representatives of Churches, whether we compare them with the collectives, or among themselves. If wee compare the representatives with the collectives, then as one congregation is governed by the particular Eldership representing the same, by the like proportion are 14. or 16. congregations governed by a Classicall Presbytery representing them all: by the same proportion are all the congregations in a province subject Jud. 20. 1.

to a Provinciall Synod: by the ſame ought all the congregations in a nation to be ſubject to a nationall Aſſembly, all of them being either mediatly or immediatly repreſented in the ſame; for as *Parker* ſaith well, many Churches are combined into one, in the very ſame manner, as many members are combined into one Church.

De pol. Eccl. p. 331. 332.

If we compare the repreſentatives among themſelves, then by what proportion, a particular Elderſhip repreſenting only one congregation, is leſſe in power and authority, then a Claſſicall Presbytery which repreſenteth many congregations: by the ſame proportion is a Claſſicall Presbytery leſſe in power and authority then a Provinciall Synod, and it leſſe in authority then a Nationall Synod. So that the authority of Presbyteries whether Parochiall or Claſſicall being once granted, this ſhall by the rule of proportion inferre the authority of Synods. I know that Synods are not ordinary Courts, as Presbyteries are; but this and other differences betwixt them I paſſe: the argument holdeth for the point of authority, that Synods when they are, have authority over all the Churches in a Province or a nation, even as Presbyteries have over the congregations within their bounds.

CHAP.

CHAP. X.

The sixth Argument, taken from necessity.

WEE have another reason to adde, and it is borrowed from lawlesse necessity, for without a subordination among Ecclesiasticall Courts, and the authority of the higher above the inferiour, it were utterly impossible to preserve unity, or to make an end of controversie in a Nation. A particular congregation might happily end questions and controversies betwixt the members thereof, and so keepe unity within it selfe (and not so neither, if the one halfe of the congregation be against the other) but how shall controversies betwixt severall congregations be determined, if both of them bee independent? how shall plurality of religions be avoided? how shall an apostatizing congregation be amended?

It is answered: 1. If a particular congregation neglect their duty, or doe wrong to another, the civill sword may proceed against them to make them doe their duty. 2. A particular congregation ought in difficult cases

to consult with her sister Churches, for so much reason dictats, that in difficult cases, counsell should be taken of a greater number. 3. Sister Churches when they see a particular congregation doing amisse out of that relation which they have to her, being all in the same body, under the same head, may and ought to admonish her, and in case of generall apostacy, they may withdraw that communion from her, which they hold with the true Churches of Christ.

But these answers are not satisfactory. The first of them agreeth not to all times, for in times of persecution, the Church hath not the helpe of the civill sword: a persecuting Magistrate will bee glad to see either division or apostasie in a congregation; but so it is, that Christ hath povided a remedy, both for all the evills and diseases of his Church, and at all times. The Church (as was said before) is a Republike, and hath her lawes, Courts, and spirituall censures within her selfe, whether there be a Christian Magistrate, or not.

The second answer leaveth the rectifying of an erring congregation to the uncertainty of their owne discretion, in seeking counsell from a greater number. And moreover, if this be a dictate of reason to aske counsell of a greater number, when the counsell of a few cannot

cannot reſolve us, then reaſon being ever like it ſelfe, will dictate ſo much to a congregation, that they ought to ſubmit to the authority of a greater number, when their owne authority is not ſufficient to end a controverſie among them.

To the third anſwer wee ſay, that every private Chriſtian may and ought to withdraw himſelfe from the fellowſhip and communion, either of one man, or of a whole congregation, in the caſe of generall apoſtaſie. And ſhall an apoſtatizing congregation be ſuffered to runne to hell, rather then any other remedy ſhould bee uſed, beſide that (commonly ineffectuall) remedy which any private Chriſtian may uſe? God forbid.

What I have ſaid of congregations, I ſay alſo of Claſſicall Presbyteries. How ſhall ſentence be given betwixt two Presbyteries at varience? How ſhall a divided Presbytery be re-united in it ſelf? How ſhall an Hereticall Presbytery be reclaimed? How ſhall a negligent Presbytery be made to doe their duty? How ſhall a deſpiſed Presbytery have their wounded authority healed againe? In theſe and ſuch like contingent caſes, what remedy can bee had, beſide the authority of Synods?

CHAP.

CHAP. XI.

Objections made against the authority of Synods, answered.

THey who dislike the subordination of particular congregations unto higher Ecclesiasticall Courts, object against us, our Saviours precept, *Tell the Church.* Whereſoever wee read in Scripture of a visible politicall Church, and not of the invisible Catholike Church, it is ever meant, say they, of a particular congregation, used to assemble in one place for the exercise of Gods publike worship; & when the Scripture speaketh of a whole Province or Nation, the plurall number is used, as the Churches of *Galatia*, the Churches of *Macedonia*, the Churches of *Asia*, &c. Wherefore our Saviour in those words did deliver the power of Ecclesiasticall Jurisdiction, neither to Classicall Presbyteries, nor to Synods, but to particular congregations only.

Matth. 18.17.

Answ. 1. This place proveth indeed that particular Churches have their owne power of Jurisdiction, but not that they alone have it. 2. Yea, it proveth that they alone have it not,

not, for Christ hath a respect to the forme of the Jewes, as is evident by these words, *Let him be unto thee as an Heathen or a Publican.* Now we have proved that there was among the Jewes an high Ecclesiasticall Sanedrim, beside the particular Synagogicall Courts: So that by pointing out the forme of the Jewish Church, hee recommendeth a subordination, and not an independency of particular Churches. 3. By the Church in that place is meant the competent Consistory of the Church, and so it agreeth to all Ecclesiasticall Courts respectively. This sence is given by *Parker*, though he be most tender in the vindication of the liberty of congregations. *Nam cum &c.* For, saith he, *since Christ would have every man to be judged by his owne Church, Matth.* 18. *or if the judgement of his owne Church should displease him, yet ever it must be by the Church, that is, by a Synod of many Churches* 4. As for the reason alledged for proofe of the contrary exposition, I oppugne it both by reason, and by their owne Tenents, and by Scripture. By reason, because the rule of Geometricall proportion (whereof we have before spoken) proveth a congregation to bee a part of a Nationall Church, even as one man is a part of a congregation; for as five is the hundreth part of

D. pol Eccl. lib. 3. cap. 20. p. 318.

five hundreth, ſo is five hundred the hundreth part of fifty thouſand. By their own grounds, becauſe they hold the forme of a viſible Church, to conſiſt in the uniting of a number of viſible Chriſtians into one, by the bond of a holy covenant to walke in all the wayes of God. Then ſay I, we may ſay the Church of *Scotland*, as well as the Churches of *Scotland*, becauſe all the particular Churches in *Scotland*, are united together into one, by the bond of a Nationall oath and covenant, to walke in all the waies and ordinances of God. By Scripture alſo, becauſe Acts 8.1. we read of the Church at *Hieroſolem*, not the Churches: Howbeit there were at that inſtant above eight thouſand Chriſtians at *Hieroſolem*, and all theſe ſtill in the City (for the firſt ſcattering of them followeth thereafter in that Chapter.) This great number, neither did, nor could uſually aſſemble into one place for the worſhip of God, but they met *from*, houſe by houſe, Acts 2.46. And whereas objection is made to the contrary from Acts 2.44. and 5.12. and 6.2. Wee have before anſwered to the firſt of theſe places, for it is to be expounded by Acts 4.32. they were in one; that is, they were of one heart, and of one ſoule. The ſecond place may be expounded of the Apoſtles, and the preceding words

words favour this expoſition; but though it ſhould be take of the multitude, it prove h not their meeting together into one place for the worſhip, of God, for it was an extraordinary confluence, upon an extraordinary occaſion of that which had befallen to *Ananias* and *Saphira*. The laſt place proveth no more, but an extraordinary and occaſionall meeting, and it is alſo to be underſtood that they met *turmatim*, as foure hundred thouſand men did aſſemble together, Jud. 20. 1.

Another Scripturall inſtance we give from 1 Pet. 1, 1. with 5. 2. the Apoſtle writing to the diſperſed Jewes in ſeverall Provinces, calleth them all one flocke. Wee read that *Laban* had many flockes, Geneſ. 30. 36. 38. yet are they all called one flocke, verſe 31. 32. ſo were all the flockes of *Iacob* called one flocke, Geneſ. 32. 7. and 33. 13. In like manner every one of the particular Churches among thoſe diſperſed Jewes was a flocke, but compared with the whole, it was but a part of the flocke. It is no more abſurd to ſay that a congregation is both a body, in reſpect of its owne members, and a member in reſpect of a Nationall Church, then it is to ſay, that every beleever conſidered by himſelfe, is a tree of righteouſneſſe, and a Temple of God, yet compared with others, he is a

branch of the Vine, and a ſtone of the Temple, for all thoſe waies is hee called in Scripture.

Sundry particular flockes may bee called one flocke, three waies: 1. *Reſpectu paſtorum*, when the ſame ſhepheards overſee & take care of the whole. See an example both of the one kinde of ſhepheards, Luke 2. 8. and of the other, Acts 20.28. 2. *Reſpectu pabuli*: So *Paul Baynes* ſpeaking of the Low Countries, where ſundry congregations in one City make but one Church, ſaith, that the ſheepe *feed together intoone comman paſture, though they bite not on the ſame individuall graſſe.* 3. *Reſpectu pedi*, when many congregations are governed by the ſame Paſtorall ſtaffe of Eccleſiaſticall Lawes and Diſcipline.

Dioceſ. tryall. pag. 21.

It is further objected, that Presbyteriall government and the authority of Synods, doe rob the congregations of their rights and liberties, no leſſe then the Prelacy did; ſo that the Churches of Chriſt in the removall of Epiſcopacy, have changed *Dominum* only, not *Dominium*. Anſwer. There is a vaſte difference; for 1. Epiſcopall governement is Monarchicall, and Chriſt hath left no Eccleſiaſticall Juriſdiction to bee exerciſed by one man. Presbyteriall and Synodicall governement is partly democraticall, in reſpect of the election

election of Miniſters and Elders, and the doing of matters of chiefeſt importance, with the knowledge and conſent of congregations: partly ariſtocratical in reſpect of the parity of Presbyters and their conſiſtorial proceedings and decrees. The Monarchicall part is Chriſts peculiarly. 2. The Prelacy permitteth not to congregations any act of their owne Church government; but robbeth them of their particular Elderſhips, which (as *Parker* well noteth) the Claſſicall Presbyteries doe not. De pol. Eccl. pag. 358. 3. *It is one thing*, ſaith *Baynes*, *for Churches to ſubject themſelves to a Biſhop and Conſiſtory*, Ubi ſupra. *wherein they ſhall have no power of ſuffrage: Another thing to communicate with ſuch a Preſbytery, wherein themſelves are members and Iudges with others.* 4. The congregations did not agree nor conſent to Epiſcopall government, but were ſufferers in reſpect of the ſame, but they doe heartily agree to the governement of Presbyteries and Synods, in witneſſe whereof they ſend their Commiſſioners thither to concur, aſſiſt, & voice. 5. Speciall reſpect is had in Presbyteries and Synods, to the conſent of congregations, in all matters of importance, which are proper unto the ſame. This the Prelacy did not regard. 6. Presbyteries and Synods doe not (which the Prelats did) imperiouſly and by their ſole

arbitrement domineer over congregations, for their power is directive only, miniſteriall, and limited by the Lawes of God and Nature, and the lawdable Eccleſiaſticall Lawes received and acknowledged by the congregations themſelves. 7. Experience hath ſhewed us Preſbyteriall and Synodicall government to bee, not only compatible with, but moſt conduceable for the ſupportment and comfort of congregations: whereas Epiſcopall government draweth ever after it *nolam ſand no*, and a generall grievance of the Churches.

Some other objections there are, for obviating whereof I ſhall permit and explane a diſtinction which ſhall ſerve to anſwer them all. We may conſider a viſible Church, either metaphyſically or politically. It is one thing to conſider men as living creatures endued with reaſon; another thing to conſider them as Magiſtrates, maſters, fathers, children, ſervants, &c. So is it one thing to conſider a viſible Church as a ſociety of men and women ſeparated from the blinde world by divine vocation, and profeſſing together the Goſpell of Jeſus Chriſt. Another thing to conſider it as a political body, in which the power of Spirituall government and Juriſdiction is exerciſed, ſome governing and ſome governed. Theſe

Theſe are very different conſiderations; for firſt, a viſible Church being taken entitatively or metaphyſically, her members doe ordinarily communicate together in thoſe holy things which fall under the power of order, which I may call *ſacra miſtica*; but being taken politically, her members communicate together in ſuch holy things as fall within the compaſſe of the power of Juriſdiction, which I may call *ſacra politica*. Secondly, Infants under age being iniciated in Baptiſme, are actually members of the Church in the former conſideration, but potentially only in the latter, for they neither governe, nor yet have the uſe of reaſon to bee ſubject and obedient to thoſe that doe governe. Thirdly, one muſt neceſſarily bee a member of the Church metaphyſically before he can be a member of the Church politically, but not contrariwiſe. Fourthly, many viſible Churches have ſometimes beene, and may bee without Officers, and ſo without Eccleſiaſticall government and exerciſe of Juriſdiction for that time, yet ſtill retaining the Eſſence of true viſible Churches: whereas a Church which never yet had any Officers ordained therein (of which kinde there have beene many at the firſt converſion of a Nation to the Goſpell) or which hath

loſed

loſed all her Officers by death or perſecuti-
on, is not for that time an Eccleſiaſticall Re-
publicke, nor can bee ſuch till ſhe have Offi-
cers. This if they had obſerved who have
taken ſo great paines to prove that there hath
beene, and may bee a Church without Offi-
cers, it ſhould happily have made them
thinke their labour loſt. It might alſo have
taught *Henry Iacob* to diſtinguiſh betweene a
Church viſible and a Church miniſteriall or
politicall, and not to underſtand theſe three
termes to be all one, as he doth in his Letter,
bearing date the 4. of September 1611. pag. 9.
Fifthly, my being a member of any one viſible
Church metapyhſically, giveth me right and
title to communicate with another viſible
Church (where for the time I am) *in ſacris
miſticis*, ſuch as the word, prayer, &c. But
my being a member of any one viſible
Church politically doth not give me right and
title to communicate with another viſible
Church (where for the time I am) *in ſacris
politicis*; ſuch as ordination, depoſition, ex-
communication, &c. Hereunto doth Maſter
Robinſon aſſent in theſe words, *As a man once*
Juſtific. p. 317. *baptized is alwaies baptiſed, ſo is he in all places
and Churches where hee comes (as a baptized
perſon) to enjoy the common benefits of his bap-
tiſme, and to diſcharge the common duties which*
depend

depend upon it. But a Paſtor is not a Paſtor in every Church where hee comes upon occaſion, neither can he require in any other Church, ſaving that one over which the holy Ghoſt hath ſet him, that obedience, maintainance, and other reſpects which is due from the officers to the people; neither ſtands he charged with that miniſtery and ſervice, which is due to the people from the officers. The like he would have ſaid of an Elder or a Deacon.

Now this diſtinction ſhall ſerve to anſwer the obiections following.

Object. Every Chriſtian congregation is a compleat body Eccleſiaſticall, having all the parts and members, and all Church officers which Chriſt hath inſtituted: therefore every congregation hath the full and abſolute power of Eccleſiaſticall Juriſdiction. Juſtif. of Separ. pag. 112.

Anſw. Every Chriſtian congregation is a compleate Church or body of Chriſt metaphyſically; that is, hath the compleate Eſſence of a true viſible Church, yet every ſuch congregation is not a compleate Eccleſiaſticall Republicke, except in ſome certaine caſes whereof wee have ſpoken, Chap. 2. And further, we anſwer, that this objection is alledged to prove, that 2 or 3 gathered together in the name of Chriſt, have immediately under Chriſt the full power of Eccleſiaſticall

Juriſdiction; but ſure I am, that two or three gathered together in the name of Chriſt, are not a compleate Eccleſiaſticall body, having all the members and officers which Chriſt hath inſtituted, for they themſelves hold that in every Chriſtian congregation by Chriſts inſtitution there ought to be at leaſt five Officers, and when thoſe five ſhall be had, there muſt bee alſo a certaine number of Chriſtian people to bee governed and ſerved by them. So that their Argument doth not conclude that which they propoſe to preve.

Ibid. *Object.* They who have received Chriſt, have received with him power and right to enjoy him (though all the world bee againſt it) in all the meanes and ordinances by which hee doth communicate himſelfe unto the Church. But every company of faithfull people, if they be but two or three have received Chriſt; therefore every ſuch company, &c.

Anſw. If by the receiving of Chriſt, they meane the receiving of Chriſt on his throne, or the receiving of him in his ordinance of Church government, then wee deny their Aſſumption, for every company of faithfull people is not a Church politically, as wee have ſhewed already. Indeed every company of faithfull people who have received Chriſt in this manner, hath right and title to enjoy

enjoy him in all his politicall ordinances, yet not independently, but by a certaine order and ſubordination. But if by the receiving of Chriſt, they meane receiving of him to ſalvation, or receiving of him by his Word and Spirit, wee grant, that not onely every company of faithfull people, but every particular Chriſtian hath right and title to enjoy him in the myſtical ordinances of the Word, Prayer, &c. as often as the ſame can be had; yea further, hath right and title to the fruit and benefit of Eccleſiaſticall juriſdiction, the exerciſe whereof is committed by Chriſt to the officers of the Church, *Intuitu Eccleſiæ tanquam finis*. But that every company of faithfull people, who have received Chriſt to ſalvation, hath right and title to enjoy him in his politicall ordinances, by their own exerciſing of all Eccleſiaſticall juriſdiction, and that independently, this is more then either hath been, or can be proved.

Object. The union betwixt Chriſt and his Church is as ſtrait and immediate, as the union betwixt the Vine and the Branches, betwixt the Head and the Body, betwixt the Husband & the Wife. Therefore every true Church of Chriſt hath direct & immediate intereſt in, and title to Chriſt himſelf, & the whole new Teſtament, and every ordinance of it. Ibid.

Answ. The ſtrait union betwixt Chriſt and the Church, expreſſed by theſe compariſons, cannot bee underſtood of the Church taken politically: for then the union betwixt Chriſt and the Church might be diſſolved as often as the Church ceaſeth to bee ordered and governed as an Eccleſiaſtical Republick. It is therefore to be underſtood either of the inviſible Church, or at moſt of the viſible Church taken metaphyſically or entitatively. But I adde withall, it is to be likewiſe underſtood of every faithfull Chriſtian: ſo that not onely every true Church, but every true member thereof, by vertue of this union, hath direct and immediate title to Chriſt, and to the benefit of all his ordinances for his edification and ſalvation. This is all which the Argument can conclude, and it maketh nothing againſt us.

Ibid. *Object.* If all things be the Churches, even the Miniſters themſelves; yea, though they be *Paul*, *Cephas*, and *Apollos*, then may every Church uſe and enjoy all things immediately under Chriſt. But the firſt is true, 1 Cor. 3. 24. Therefore, &c.

Answ. Neither can this prove any thing againſt us: for when the Apoſtle ſaith, *All things are yours, whether Paul, &c.* He is to bee underſtood not onely collectively of the Church,

Church, but diſtributively of every beleever, who hath right to the comfortable enjoyment and benefit of theſe things, ſo farre as they concerne his ſalvation. And in like manner I may ſay to the members of any particular congregation, All things are yours, whether Seſſions or Presbyteris, or Provinciall or Generall Aſſemblies. And what wonder? God is our Father, Chriſt our elder brother, the holy Ghoſt our Comforter, the Angels our keepers, heaven our inheritance. It is therefore no ſtrange thing to heare, that as the ſupreame civill power, ſo the ſupreame Eccleſiaſticall power is appointed of God in order to our good and benefit, that it be not a tyranny for hurt, but a miniſtery for help. Rom. 13. 4. 2 Cor. 13. 8. 10

Theſe are the objections alledged for the independent and abſolute power of congregations. But this is not all: Some ſeeme to make uſe of our own weapons againſt us, making objection from the forme of the Jewiſh Church, which wee take for a plat-forme. They ſay, that the Synagogues of the Jewes were not as the particular Churches are now: for they were not entire Churches of themſelves, but members of the nationall Church, neither could they have the uſe of the moſt ſolemne parts of Gods worſhip, as were then Ibid. Pag. 344.

Pag. 161. the ſacrifices. That the whole nation of the Jewes was one Church, having reference to one Temple, one high Prieſt, one Altar; & it being impoſſible that the whole body of a Nation ſhould in the entire and perſonal parts meet and communicate together in the holy things of God, the Lord ſo diſpoſed and ordered, that that communion ſhould bee had after a manner, and in a ſort, and that was by way of repreſentation: for in the Temple was daily ſacrifice offered for the whole nationall Church. So the names of the twelve Tribes upon the ſhoulders of the Ephod, and upon the Breaſt-plate, and the twelve loaves of Shew bread, were for Iſrael ſignes of re-

Pag. 162. membrance before the Lord. That now the Church conſiſteth not (as then) of a Nation, but of particular Aſſemblies, ordinarily communicating together in all the Churches holy things: whence it commeth, that there are no repreſentative Churches now, the foundation thereof, which is the neceſſary abſence of the Church which is repreſented, being

Pag. 163. 191. taken away in the new Teſtament. That beſides all this, if wee take the repreſentative Church at Jeruſalem for a paterne, then as there not onely hard cauſes were opened, and declared according to the Law, but alſo the ſacrifices daily offered, and the moſt ſolemne

lemne ſervice performed without the preſence of the body of the Church: ſo now in the repreſentative Churches, (ſuch as Preſbyteries and Synods) conſiſting of Officers alone, there muſt be not onely the uſe of juriſdiction, but the Word and Sacraments, whether people bee preſent or not: for how can there be a power in the Church of Officers for the uſe of one ſolemne ordinance out of the communion of the body, and not of another?

Anſw. 1. To ſet aſide the ſacrifices, & other ceremonial worſhip performed at Jeruſalem, the Synagogues among the Jewes had Gods morall worſhip ordinarily therein, as Prayer, and the reading & expounding of the Scriptures. 2. Whatſoever the Synagogues had, or whatſoever they wanted of the worſhip of God, they had an Eccleſiaſticall Conſiſtory, and a certaine order of Church government: elſe how ſhall we underſtand the excommunication, or caſting out of the Synagogue, the Rulers of the Synagogue, and the chiefe Ruler of the Synagogue? (of which things we have before ſpoken.)

I will not here diſpute whether every ſin among the Jewes was either appointed to be puniſhed capitally, or elſe to bee expiated by ſacrifices; but put the caſe it were ſo, this proveth that no excommunication or Eccle-

ſiaſticall

ſiaſticall cenſure was not then neceſſary: for beſide the detriment of the Common-wealth by the violation of the Law, which was puniſhable by death; and beſide the ἀτοπία and guiltineſſe before God, the expiation whereof by the death of Chriſt was prefigured in the ſacrifices, there was a third thing in publike ſinnes, which was puniſhable by ſpirituall cenſures, and that was the ſcandall of the Church, which could not be taken away by the oblations of the delinquent, but rather made worſe thereby, even as now a publike offender doth not take away, but rather increaſe the ſcandall of the Church by his joyning in the acts of Gods worſhip, ſo long as there is no Eccleſiaſticall cenſure impoſed upon him; neither yet (to ſpeake properly) was the ſcandall of publike offences puniſhable by bodily puniſhments, but the Church being a politicall body had her owne Lawes, and her owne cenſures, no leſſe then the Common-wealth. 3. As the Synagogues were particular Churches politically, ſo all of them collectively were one Nationall Church politically, governed by one ſupreame Eccleſiaſticall Sanedrim, which is the repreſentative wee meant of in our Argument. 4. But if we take the Nationall Church of the Jewes metaphyſically, there was no repre-

repreſentative thereof, unleſſe it were all the males who came thrice in the yeare to *Ieruſalem*. The daily offering of Sacrifices was not by a repreſentative Church, but by the Prieſts: and though there were twelve loaves of Shewbread before the Lord, and the names of the twelve Tribes upon the breſtplate, this proveth not a Church repreſentative, but ſignes repreſentative. 5. The body of the Church is now (as then) neceſſarily abſent from the Conſiſtorial actions of debating and deciding matters of Church government, and of Juriſdiction; and ſo that which was called the foundation of a repreſentative Church doth ſtill remaine.

Now before I make an end, I muſt anſwer yet other two objections which have beene lately made. There is one who objecteth that the Aſſembly of the Apoſtles, Acts 15. can bee no preſident nor patterne for ſucceeding ages: Firſt, becauſe the Apoſtles were inſpired with the holy Ghoſt, which wholly guided them in all matters of the Church; ſo as in that their determination, they ſay expreſſely, *It ſeemed good to the holy Ghoſt and to us to lay upon you no greater burthen.* Now, what Synod in any age after the Apoſtles could ever ſay that they were infallibly inſpired and aſſiſted by the holy Ghoſt? Secondly,

Chriſt on his Throne. pag. 57. 58.

Act. 15. 28.

that injunction of the holy Ghoſt and of the Apoſtles was but πρόσκαιρος, for that preſent time, for the avoiding of offences betweene Jewes and Gentiles. But the like we read not afterward in all the writings of the Apoſtles.

Contr. 3. de conc. queſt. 6.

Anſ. 1. I ſay with *Whittaker, Poſſe alia, &c. That other lawfull councells may in like manner affirme their Decrees to be the Decrees of the holy Ghoſt, if they be like unto this councell, and if they keepe the ſame rule which the Apoſtles did keep and follow in this councell, for if they decree and determine nothing but from the Scriptures, which was done in this councell; and if they examine all queſtions according to the Scriptures, and in all their Decrees follow the voyce of the Scripture, then may they affirme that the holy Ghoſt hath ſo decreed.* 2. If the Doctrine or exhortation of a Paſtor well grounded upon the Scriptures bee the Word of God, then much more is the Decree of a Synod well grounded upon the Scriptures, the Decree of the holy Ghoſt. 3. That Aſſembly was not of the Apoſtles alone, but of the Apoſtles and Elders, neither did the Decrees proceed from the Apoſtles alone, but from the Apoſtles and Elders, Acts 16. 4. and 21. 25. and in the place which is now objected, Acts 15. 28. not the Apoſtles alone, but the Elders with them, ſay, *It ſeemed good*

to the holy Ghoſt and to us. What the Elders did then, the Elders may doe now, for time hath not diminiſhed their authority. 4. Nay, what the Apoſtles did in that Synod, the Elders may doe in a Synod now; for the Apoſtles then did nothing but in the ordinary and common way of diſputing and debating, comparing reaſon with reaſon, and ſentence with ſentence, and thereafter framing the Decree according to the light which they had by reaſoning and by ſearching the Scriptures. But (which is moſt obſervable) the ſentence of the Apoſtle *Peter* in that Synod was very imperfect and defective; for he only diſſwadeth from impoſing the yoke of the ceremoniall law upon the Churches of the Gentiles, but maketh no mention of any overture for avoiding the offence betwixt the Jewes and the converted Gentiles at that time, which I may ſuppoſe he would have done, if his light and judgement had carried him that farre: In this the Apoſtle *Iames* ſupplieth the defect of *Peters* ſentence, and propoundeth an overture which pleaſed the whole councell, and according to which the decree was given forth. This made *Luther* to ſay that *Iames* did change the ſentence of *Peter*. And all this it pleaſed God ſo to diſpoſe, that we might underſtand that Synod to bee

Apud Whitak. ubi ſupra.

indeed a president and paterne for ordinary Synods in succeeding ages. 5. *Henry Iacob* in his third argument for the Divine Institution of the Church, saith: It is absurd and impossible, that the Text Matth. 18. was never understood for 1500 yeares after Christ. Sure this Text, Act. 15. was never understood for that whole space, if the Assembly there mentioned, be not a president to succeeding ages. 6. It maketh nothing against us, that he saith, the decree of the Apostles & Elders, was for that present time onely; nay, it maketh for us: for in this also that Synod was a paterne to succeeding ages, forasmuch as Synods now have no power to make a perpetuall restraint from the practice of any indifferent thing, (such as was then the eating of bloud, and things strangled) but onely during the case of scandall. And moreover, the decree of the Apostles and Elders in that Synod, is also perpetuall, in so farre as it is conceived against the pressing of circumcision as necessary to salvation.

A wise and moderate discourse concerning Church affaires, pag. 25. 26.

One objection more I finde in another late Peece, which striketh not at the authority alone, but at the very reputation of Synods. This Authour alledgeth, that the ordinary government by Synods, is a thing of great confusion, by reason of the parity and equali-

ty,

ty, the voyces being numbred, not weighed. *Equidem* (ſaith a wiſe Father) *ut verè, &c. To ſay the truth, I am utterly determined never to come to any Councell of Biſhops: for I never yet ſaw good end of any Councell: for Councels abate not ill things, but rather increaſe them.* Anſw. 1. If the parity and equality make a great confuſion in the ordinary government by Synods, it ſhall make no leſſe, but rather greater confuſion in an extraordinary Synod: ſo that there is no ground for his reſtriction to that which is ordinary. 2. If the numbring of voyces, and the parity of thoſe that doe voyce, make a confuſion in Synods, why not in Parliaments alſo, and in other civill Courts? 3. That teſtimony doth only ſtrike at the Councels of Biſhops, and ſo maketh not againſt parity, but againſt imparity in Councels: And, to ſay the truth, wee have found in our owne experience, that Prelaticall Synods have not abated, but rather increaſed evils in the Church. 4. The words of *Nazianzen* (for he is the Father here meant of) are not to be underſtood againſt Synods, but againſt the abuſe of Synods at that time. And in this we muſt pardon him (ſaith *Whitaker*) that he ſhunned all Synods in thoſe evill times of the Church, when the Emperour *Valens* was oppoſite to the Catholicke faith,

Ubi ſupra, quæſt. 1.

and when the faction of heretickes did moſt prevaile: in that caſe indeed Synods ſhould have produced greater evils. But we truſt it ſhall be now ſeen that well conſtituted and free Synods of Paſtors and Elders, ſhall not increaſe, but abate evill things.

FINIS.

A

POST-SCRIPT,

In answer to a Treatise very lately published, which is intituled,

The Presbyteriall Governement examined.

WHen the Printer had done all except two sheets of my former Treatise, there came to my hands a peece against Presbyteriall Governement, which promiseth much, but performeth little. Though my time be very short, yet I trust to make an answer to it, as full as it deserveth.

It hath a magisteriall and high sounding title, undertaking the examination of Presbyteriall Governement. But Presbyteriall Government secretly smileth, be-

cauſe while ſhe was ready to ſay much more for her ſelfe, he did not put her to to it, leſt himſelfe ſhould have been put *ad metam non probandi*. But he particularizeth himſelfe, and telleth us he hath unfolded the weakneſſe of our grounds, and diſproved our pretended proofs. The truth is, that the beſt of them & the moſt of them he hath not touched. He addeth that hee hath proved out of the Word of God the liberty of the people in chooſing their own officers. This may be added *caute*, but *caſte*, I am ſure it is not. He would make the world beleeve that Presbyterians are againſt the peoples election of their officers, which is a calumny. He ſaith, he hath annexed certaine arguments, proving Presbyteriall Governement to be contrary to the pattern which Chriſt hath left in the New Teſtament. Theſe arguments ſhall be anſwered with no great difficulty. In this place I ſhall only ſay a word of them in generall. The man hath a notable faculty of proving that wherein the Presbyterians do agree with him, and paſſing that wherein they diſagree from him. Many humane teſtimonies and citations of writers he muſtreth together, to make a ſimple reader beleeve that many are of his judgement: But I find none of them all except

except two or three to affirme any thing which we deny. But why hath he taken all this paines? He will preſent it (forſooth) to the Kings moſt excellent Majeſtie, and to the right honourable Lords, and the honourable houſe of Commons now aſſembled in Parliament. As if it were to be expected that a popular and independant forme of Church government in every Congregation, which ſhould moſt certainly open a doore to a thouſand remedileſſe confuſions, may obtaine his Majeſties royall aſſent, or the acceptation of the High Court of Parliament. Nay, brother, ſeek ſome other friends to your cauſe, for, if wiſe men be not too too much deceived, the King and the Parliament in their great wiſdome do fore-ſee, that whenſoever Epiſcopall government ſhall be removed, another form of Provinciall and nationall Church government muſt needs ſucceed unto it.

Now to come to the ſubſtance of his diſcourſe; firſt hee maketh a quarrell againſt the Presbyteries of particular Churches (which are in *Scotland* called *Seſſions*.) then againſt all higher Conſiſtories in the Church. As for the Presbyteries of particular Churches, he judgeth them three wayes defective. Firſt he requireth Pag. 1.

that all who are admitted into the company of Elders, even the governing or ruling Elders ſhould be *apt to teach*, and *able to exhort with ſound doctrine and convince gainſayers*, and that not only privately, or in the Conſiſtory, but in the publick aſſembly alſo, if not exactly, yet competently.

1 Tim. 3. 1. Tit. 1. 5. 7. 9.

Anſw. 1. Though ruling Elders ought to teach, exhort, rebuke, &c. both in the Conſiſtory, and privately from houſe to houſe, as the caſe of every family and perſon doth require (which is all that can be drawne from thoſe alleaged places to *Timothy* and *Titus*, if ſo be they ought at all to be extended to ruling Elders) yet there is no place of Scripture to prove that they ought to teach publikly in the Congregation. 2. That expreſſion *if not exactly, yet competently* is ſomewhat myſterious. 3. Ruling Elders are expreſly diſtinguiſhed from thoſe that labour in the word and doctrine. 1 *Tim.* 5. 17. and from theſe that teach or exhort, *Rom.* 12. 7, 8. 4. If ruling Elders ſhall teach publikly in the congregation *ex officio*, and with cure of ſoules (as they ſpeak) why ſhall they not alſo miniſter the Sacraments, which are pendicles and ſeals of the word, and therefore committed to thoſe, who are ſent to the publick preaching of the Goſpell, *Matth.* 28. 19.

19. 5. Though he ſpeak here only of ruling Elders, yet I doubt he requireth of, at leaſt will permit to all men that are members of the Church the ſame publick teaching and propheſying in the Congregation.

The ſecond defect which he wiſheth ſupplied, is, that the temporary ruling Elders may be made perpetuall and for life, which he enforceth by foure reaſons. This I aſſent unto providing he admit a diſtinction betwixt the office it ſelfe, and the exerciſe of the ſame. The office of a ruling Elder ought to be for his life no leſſe then the Paſtors; yet muſt we not condemne thoſe Churches which diſpenſe with the intermiſſion of their actuall attendance for a certaine ſpace, and permit them to exerciſe their office by courſe, as the *Levits* did of old, whoſe example himſelfe here taketh for a patterne. Pag. 2, 3.

The third thing he ſaith is of moſt moment. He doth complaine that the Elders do not adminiſter their publik office publikly as they ſhould, but only in their private Conſiſtory. He doth permit them indeed to meet apart for deliberation (whereof we ſhall here afterward) but he will have their Church-office which in the Lord they have received, to be executed Pag. 4.

publickly in the face of the Congregation. 1. Becauſe an office publick in the nature, ought alſo to be publick in the adminiſtration. 2. Becauſe the reformed Churches cannot know their Elders whether they be good or bad, except by heare-ſay. 3. Becauſe otherwiſe the Elders can not miniſterially take heed to the whole flock as they are warned to do, *Acts* 20.28. *Anſ.* 1. Ruling Elders do execute their office not only in the Conſiſtory, but from houſe to houſe throughout al the bounds of the Cõgregation; wch may eaſily make thẽ known to that Church where they ſerve, whether they be good or bad. 2. Their Conſiſtoriall ſentences in all matters of importance, ſuch as ordination, Church cenſures, excommunication, &c. are made knowne to the whole Church. 3. He paſſeth a ſhort cenſure upon the reformed Churches. *The reformed Churches* is a great word, but this man maketh a moat of it. 4. The place *Acts* 20.28. cannot helpe him, for ruling Elders do feed and overſee the whole flock, both by diſcipline in the Conſiſtory, and by taking heed to all the ſheepe ſeverally, as every one hath need, and in that reſpect may be called both Paſtors and Biſhops. Beſide I doubt he can prove that place to be meant of ruling Elders. He goeth

He goeth on to make plaine what hee hath said, by descending to some particulars in which the Elders office seemeth especially to consist, and these are saith hee, The admitting of members into the Church, upon profession of faith made, and the reproving and censuring of obstinate offenders. These are the most frequent publike administrations of the office of Ruling Elders. And what of them? hee saith, as they leave the execution of these things, to the Elders alone in the setled and well ordered state of the Church, so doe they deny, that they can be rightly and orderly done, but with the peoples privity and consent. His restriction to the setled and well ordered estate of the Church, I cannot understand. Hee had done well to have explained what hee meaneth by that not setled, nor well ordered state of the Church, in which he thinks it belongeth not to the Elders alone, to admit or cut off members. His other ambiguous expression I understand better, for by the peoples privity hee meaneth, that the people should heare the voyces and suffrages of the Elders, and by the peoples consent, hee meaneth the peoples voting with the Elders, as wee shall heare afterward. That the admission of members, Pag. 5. Pag. 6.

ought

Page 6. ought to bee with the peoples privity and consent, hee will prove by two reasons. 1. Because wee finde in the acts of the Apostles, that men were received into the fellowship of the Church, and baptized publikely, and in the face of the congregation. 2. Because the whole communalty, being neerely to joyne with these that are admitted, ought to take knowledge of the profession of their faith. These reasons can neither conclude the peoples right of suffrage in this matter, nor so much are the peoples hearing of the suffrages of the Elders : But only that the matter might not bee ended without the peoples knowledge and tacite consent. Beside there is no small difference to bee put betwixt the admission of Jewes, Infidells, and Hereticks, upon their profession of the true Christian faith, and the admission of such as have transported themselves from another Christian congregation, bringing with them a sufficient testimonie of their holy profession of faith, and good conversation. In the meane while, Let the Reader note, that this disputer hath here in a parenthesis interlaced grosse anabaptistry, holding it a kinde of unorderly anticipation to baptise infants, who cannot give a confession of their faith.

faith. And within a few lines, he lets another thing fall from his pen, which smelleth strongly of the Anabaptisticall tenent, concerning having all things common, even bodily goods.

But I proceed with him to the second head, concerning excommunication, and Church censures by the Elders, with the peoples privity and consent. This he proveth by three arguments. 1. Because *Paul* saith, *These who sin, rebuke publikely, that others also may feare*; a brave argument indeed. This charge is not given to ruling Elders; and if it had, it can neither prove the suffrage of the people, nor their hearing of the suffrage of the Elders, but onely the execution of the sentence of the Elders, in the presence and audience of the congregation. 2. Hee argueth from these words, *Tell the Church*, where hee would make it appeare, that by the Church is not meant the Senate of Elders excluding the people; yea hee saith, that in this circumstance now in consideration, it comes neerer the truth to expound the Church to be the Bishop, since neither Bishops nor their Court-keepers, doe exclude the people from their consistories. Sure I am, in *Scotland*, (let others speake for themselves) The Bishops in their visitations, high Com-

Pag. 7.

1. Tim. 5. 20.

Mat. 18. 17.

Pag. 8.

missions, Privie-conferences at Synods (in which they passed their decrees) did exclude both the people, and the most part of the ministers. He thinkes it a course unheard of either among Jewes, Gentiles, or Christians, before this last age, that publike judgements should be privatly exercised, and without the peoples privity. This (if at all to the point) must be understood, not of the finall execution, but of the judiciall sentence or decree. What then shall wee thinke that the Senators at *Rome* or the Areopagites at *Athens*, did never conclude or degree any thing, concerning a publike judgement, except in the audience and presence of the people. The Judges in Israel did sit in the gates of the City, that all persons both poore and rich, great and small might have accesse unto them with their complaints, and that the sentence of judgement, might bee the more notorious & exemplary, being given forth and promulgat in the gates: This proveth not that the Judges did debate, voyce, and conclude all matters in the
Pag. 9. publike audience of the people. It appeareth rather that they were so accomodate, that they might doe these things apart from the multitude. It is too much for him, to affirme either that the Synagogues were

were places of civill conventions and judgements, or that nothing was in the Synagogues decreed without the peoples privity, while as hee hath given no proofe nor evidence at all for it. Pag. 9.

You need not, my Masters be so curious in the notation of the name ἐκκλησία, which every smatterer in Divinity knoweth. But what of it? you say, the Elders (as such) are called, to wit, to their office of Eldership, but called out they are not, being themselves to call out the Church. It is true that the word ἐκκλησία noteth not only a calling, or a gathering together, by vertue of verb καλέω, but also a separation by vertue of the particle ἐκ. But I hope it is no paradox to say, that the Elders are both called or gathered together unto the Eldership, and called out or separate from the rest of the Church to that office. And it is as far from a Paradox to say that they who are called out cannot call out others, especially the one calling out being to an office, and the other calling out being from nature to grace.

He cannot think that the name, *Ecclesia*, Church, hath been used by any Greek Author before the Apostles times, or in their dayes, or in the age after them, for the assembly of sole Governours in the act of their government. I shall first give Instances

ces againſt him in the verb, becauſe, hee ſaid, the Elders (as ſuch) cannot be ſaid to be called out. The Septuagint reade, *Deu.* 31. 28. ἐκκλησάσατε, *Gather unto me all the Elders.* The like you may find, 1 *King.* 8. 1. 1 *Chron.* 28. 1. I ſhall next put him in mind that the Septuagint ſometime turne *Kahal* by συνάγειν, as *Prov.* 26. 26. *His wickedneſſe ſhall be ſhewed before the whole Congregation,* ἐν συναγωγῇ. And it is plaine that the name of the Congregation, or Church, is given to the Elders, for that which is ſaid of the Elders, *Deut.* 19. 12. *Joſ.* 20. 4. is ſaid of the Congregation, *Num.* 35. 24. *Ioſ.* 20. 6. So *Exod* 12. 3. compared with verſe 21. This if hee will not take well from us, with verſe 21. This if hee will not take well from us, let him take it from an Anti-preſbyterian, who obſerveth from 1 *Chron.* 13. 1, 2, 4. and 2. *Chron.* 1. 3. that both *Kahal* and ἐκκλησία are uſed for the Elders and Governours. *Guide unto Sion, pag.* 5. The place *Deut.* 23. 1, 2, 3. is well worthy of obſervation. It is ordained that he who is wounded in the ſtones, or hath his privy member cut off, or is a Baſtard, or an Ammonite, or a Moabite, ſhall not enter into the Congregation the of Lord to the tenth generation. The word is *Kahal* in the Hebrew, and ἐκκλησία in the verſion of the 70. yet *Iunius, Piſcator,* and *Pelicanus* on that place, and

and *Martyr* on *Iud.* 11. 1. hold that by the Church or Congregation in that place is meant *Conſeſſus Iudicum*, the Court of Judges and Rulers, which is called *The Congregation of the mighty*, *Pſal.* 80. 2. So that the true ſenſe of the place, is the ſecluding of thoſe perſons from bearing any office or rule in the Common-wealth of Iſrael, whereby they might be members of thoſe Courts which did repreſent Iſrael. The ſame ſenſe is given by *Lyranus*, *Cajetan*, *Oleaſter*, *Toſtatus*, and *Lorinus*. And which is more to be thought of, *Ainſworth* himſelfe expoundeth it ſo, and further ſheweth that it cannot be meant of joyning to the faith and religion of Iſrael, or entering into the Church in that reſpect, becauſe *Exod.* 12. 48, 49. *Num.* 15. 14, 15. All ſtrangers were upon their circumciſion admitted into the Congregation of Iſrael, to offer ſacrifices, and by conſequence to enter into the court of the Tabernacle, which alſo appeareth from *Levit.* 22. 18. *Num* 9. 14. The point being now cleared from the holy Scriptures, we ſhal the leſſe need to trouble our ſelves in the ſearch of prophane Authors; yet *Peſor* findeth *Demoſthenes* uſing the word ἐκκλησία *pro concione magnatum*.

As for that common expreſſion of Divines, that the Elders are the Church repreſen- Pag. 10. *Polan. Syn. lib. 7. cap. 11. pag. 539.*

preſentative, wee deſire not to wrangle about names, ſo that the thing it ſelfe (which is the power and authority of the Officers ſitting and judging apart from the people) be condeſcended upon. Yet let us ſee upon what grounds the name of a repreſentative Church is by this man ſo ſupercilioufly rejected. Firſt, hee ſaith that no godly, no nor reaſonable man will affirme, that this repreſentation is to be extended to any other acts of religion, than theſe which are exerciſed in the governing of the Church. But *quo warranto?* ſhall a man be both ungodly and unreaſonable, for affirming that the Elders may and ought to repreſent the Church where they ſerve, in preferring a petition to the King and the Parliament, for a Reformation, or in bearing witneſſe of the deſolate condition of the Pariſh through the want of a miniſtery, or in giving counſel to a ſiſter Church, though theſe bee not acts of governing the Church. Well: be it, as he ſaith, what great abſurdity ſhall follow? then (forſooth) it appertains to the people primarily and originally (under Chriſt) to rule and govern the Church, that is, themſelves. But who ſaith he will ſo ſay of a government not perſonall, but publique, and inſtituted as the Churches is. Surely,

they

they who think the power to be originally in the people, might here easily reply that this is no more strange than to say, that the power which is primarily and originally in the body of a Kingdome, is exercised by the Parliament, which is the representative therof. But because many learned men deny the power of Church government to be originally in the people, though others, (and those very learned too) doe affirme it: therefore to passe that, I shall serve him with another answer. For as we can defend the authority of Presbyteries and Synods without wrangling about the name of a representative Church, so can we defend the name of a representative Church, without debating the question, whether the people have the power originally or not. May he therefore bee pleased to take notice of other grounds and reasons for the name of a representative Church, as namely, First, what the Elders, with the knowledge and tacite consent of the Church, doe approve or dislike, that is supposed to be approved or disliked by the whole Church, which importeth, that the Church is in some sort represented by the Senate of Elders. Secondly, as wee say wee have seene a man, when haply wee have seene nothing but his head, or his face which maketh him

knowne unto us, (whence it is that Painters represent men unto us oft-times onely from their shoulders upward) so doe wee discern & know a visible politicall Church, when we see in the Senate, as it were, the head and face thereof, the officers being as eyes, eares, nose, mouth, &c. to the Church, that is, being the most noble and chiefe members whereby the body is governed. Thirdly, the Senat of Elders is said to represent the Church, because of the affinity and likenesse betwixt it and the Senate, which representeth a City, or some inferior civil Corporation, affinity, I mean, not every way, but in this, that the government is not in the hands of all, but a few, and that those few were chosen with the consent of the whole Corporation. Fourthly, and if for these reasons the Eldership of a particular Church may be called a representative Church, there is much more reason for giving this name to a classicall Presbytery, or to a Synod provinciall, or nationall, for these doe result out of many particular Churches being made up of their Commissioners.

His second reason he taketh from the nature of representations, alleaging that if the Elders in their Consistory represent the Church, then whatsoever they either decree

decree or do agreeing to the Word of God, that alſo the Church decreeth and doth, though abſent, though ignorant, both what the thing is, and upon what grounds it is done by the Elders: and this how conſonant it is to Papiſts implicit faith, he leaveth it to wiſe men to conſider. This argument is as much againſt the repreſentations of Kings and States by their Ambaſſadours and Commiſſioners, it is againſt the repreſentation of Churches by the Conſiſtory of Elders, and ſo all the wiſdome of Princes and States in their Embaſſages ſhall turne to implicit faith, becauſe according to this ground, what the repreſenting doth within the bounds of his Commiſſion, that the repreſented doth *implicitè*. And now I ſhall leave to be conſidered by wiſe men theſe vaſt differences betwixt the Papiſts implicit faith, and the caſe of our Churches governed by Elderſhips. 1. The Church aſſenteth not to that which the Conſiſtory of Elders decreeth or doth, except it be agreeing to the Word of God, as the Reaſoner himſelfe ſaith: but there is no ſuch limitation in the Papiſts implicit faith. 2. The Conſiſtory of Elders doth not preſſe any thing upon the Church, imperiouſly, or by naked wil and authority without any reaſon,

as the Church of *Rome* doth with thoſe from whom ſhe requireth implicit faith. 2. The Papiſts know not what thoſe things be which they beleeve by implicit faith: ſo that ſuch a faith is rightly called *mera articulorum fidei ignorantia*, a meere ignorance of the articles of faith: but the decrees of our *E*lderſhips whereunto our Churches do conſent, are made kno*w*ne unto them. 4. Our Churches are by the judgement of Chriſtian diſcretion to examine all things propounded unto them, even the decrees of the *E*lders, whereas Papiſts may not examine what the Church propoundeth or commandeth. 5. Papiſts by their implicit faith beleeve whatſoever the Church beleeveth, becauſe they think the Church can not erre, but our Churches conceive not only their particular *E*lderſhips, but œcumenicall councels to be ſubject to error.

Gerh. loc. theol. tom. 3. de Iuſtif. p. 314.

Pag. 11. Come we now to his third generall reaſon: whereby he laboureth to prove that the conſiſtorian courſe is contrary to the practiſe of the Apoſtolick Churches, becauſe the Apoſtle, 1 *Cor.* 5. writeth to the whole Church of *Corinth* to excommunicate the inceſtuous man. And that by theſe words (*when you are come together*) the whole Church is to be underſtood, he pro-

Pag. 12.

veth

veth by three reaſons: the ſtrength of them all, we ſhall take together in one argument thus. *They among whom the fornicatour was*, who *were puffed up when they ſhould have ſorrowed*, and *out of the midſt of whom he was to be put, who had done that thing*, to whom it appertained to *purge out the old leven*, and to whom the Apoſtle wrote *not to be commingled with fornicators* or *covetous perſons*, they were to be *gathered together into one*, and to *judge* and excommunicate that inceſtuous perſon.

But they among whom the fornicator was, &c. were not the *E*lders alone, but the whole Church, *Ergo*, &c.

And now what ſhall this diſputer ſay, if I cleave this his ſtrong argument with a wedge of his own timber, thus, &c.

If they among whom the fornicator was, who were puffed up, when they ſhould have ſorrowed, and out of the midſt of whom, &c. were to judge and excommunicate that inceſtuous perſon, then women were to judge and excommunicate him, and not men only. But the latter is abſurd, therefore ſo is the former. My propoſition he muſt either grant, or elſe ſay that the inceſtuous man was not to be put out of the midſt of women, and that the Apoſtle did not forbid women to be commingled with fornicators. My aſſump-

tion is his own, Pag.24. where he tels us from 1 *Cor.* 14.34,35. 1 *Tim.* 2.12. that women are debarred from liberty or right of voting in publick ecclesiasticall matters. Then let him see to the conclusion.

Pag.15. Another proofe of the same point he addeth from 2 *Cor.* 2. where he writeth to these same *Corinthians* to receive pardon, and comfort the penitent: which I might repell in the same manner. But there is a word in that same Chapter which may cleare the thing, Vers. 6. *Sufficient to such a man is this punishment* (or censure) *which was inflicted of many.* Which *many*, if (as he saith in the next page) the Apostle had opposed to himselfe alone, and not to all, then he said but the halfe of that which he meant to say. He would have the *Corinthians* to think it enough that the man had beene publickly censured by so many as were in their Presbyterie. Now if he had beene censured by the whole Church, it had been more fit and emphaticall to have said *censured by all.* But there is another sence which well fitteth the place. *Heinsius* observeth that πλείονες is one thing, οἱ πλείονες another thing: the former noting those that exceed in number: the latter those that are chiefe in dignity, and that therefore the Apostle when he saith ὑπὸ τῶν πλειόνων, meaneth the rulers and Elders of that Church,

Exerc. sacr. in illum locum.

Church, ſo that the reading ſhall be this, *Sufficient to ſuch a man, is this cenſure inflicted of the cheefe.* In the ſame ſence *Piscator* taketh the words: which alſo he doth illuſtrate from *Mat.* 12. 41. 42. πλεῖον ὧδε *a greater then Ionah*, πλεῖον Σολομῶντος, *a greater then Solomon.*

To conclude this caſe, the Apoſtle as in other Epiſtles, ſo in this, doth ſometime point at common duties belonging to the whole Church, ſometime at the duties of officers. That the whole Church of *Corinth* ſhould have ſorrowed for the inceſtuous man, and that it was a common duty to them, not to be commingled with fornicators, and to *have no fellowſhip with the unfruitfull workes of darkneſſe, but rather to reprove them*: In like manner it concerned them all to comfort him being penitent. But as for the judging, and excommunicating of him, that did belong only to the Presbytery of *Corinth*, and ſo *Calvin*, *Piſcator*, *Pareus*, and many others expound the Apoſtles words. Ephes. 5. 11.

His digreſſion to prove that the Apoſtle alone, did not give forth ſentence judiciary upon the offender, is not againſt us, but againſt the prelaticall party, therefore I paſſe it. Pag. 13. 14.

What he alleageth from *Act.* 1. & 6. & 14. For the Churches right of ſuffrage in the election of Officers, we doe moſt hear- Pag. 15. 16. 17. 19

tily assent unto it, with this distinction, that when the case is such, as it was in the examples alleaged, that is, when visible politicall Churches are to be erected, not having beene before, then the right of suffrage in elections, doth indeed belong to the whole body : And though this way of election were ordinary, it cannot prove that the people have the power of that authority in them, to which they elect the officers : no more then the *Electors* of the *Emperour* have in them power of the imperiall dignity, saith *Baynes*. But now it is not ordinary, for when there is already a setled *Ecclesiasticall* republike, or a Church with officers, the officers for the time being ought by their suffrages to elect the officers that are wanting, with the knowledge and consent of the Church.

Pag. 17. 18. Somewhat he demurreth upon *Act.* 15. for the vindication of which place, I refer my reader to the second part of the former Treatise, *Chap.* 1. & 8. Neither shall I stay to examine, by what Method either this discourse or the other about elections, falleth into the proofe of his proposition, concerning that part of the Elders office, which standeth in the censuring of offenders.

Pag. 21. He falleth at last into his owne channell, concluding it to bee a thing most equall, that the whole Church, should clearely and

and undoubtedly take knowledge of the contumacy of the perſon, that is to bee excommunicated, & of the crime for which, and this we alſo ſay with him.

One word I deſire to have cleared before wee proceed. One of his grounds in his diſcourſe about elections, is that the Church officers, as they are the ſervants of Chriſt Jeſus, ſo alſo her ſervants for Jeſus ſake, 2.*Cor*. 4.5. The profeſſors of *Leyden* ſay well, that they are not properly the ſervants of the Church, but of God, and of Chriſt: They are not Lords of the Church neither, but Rulers, Guides, Biſhops, and Paſtors of the Church: yet not ſervants of the Church except, *objective*, that is, the ſervants of God in the Church, or for the Churches good. If this bee his meaning, it is well. But I doubt he hath another meaning, and that is, that the Church doth give the power (which is hers) unto her officers, as her ſervants to exerciſe it in her name. If this bee the matter, then let us marke with *Baynes*, that the Church doth not virtually and out of power make an officer, but ſhee doth it in Stewardlike manner, miniſtring to the ſole Lord and maſter of the houſe, ſo that hee who is taken in doth not his office in her name, but in his maſters name: as a Butler taken in by the Steward of the houſe, doth not execute his office in the ſtewards name, but in

Pag 20.

Synopſ. diſt. 49. Th. 1.

Dioceſſ. tryall pag. 88.

in his masters, who only out of power did conferre it on him.

Pag. 22. But now lest any should conceive of him and those of his side, that they either exercise amongst themselves, or would thrust upon others any popular or democraticall Church governement: therefore he desireth the Reader to make estimate, both of their judgement and practice in this point, according to these three declarations.

First he saith they beleeve, that the externall Church governement under Christ, is plainely aristocraticall and to be administred by some choyce men, although the state bee after a sort popular and demo-

Pag. 23. craticall. In respect of the latter, he saith it appertaines to the people freely, to vote in elections & judgements of the Church; in respect of the former, that the Elders ought to governe the people, even in their voting in just liberty, by propounding and ordering all things, and (after the voting of the Church) solemnly executing, either ordination or excommunication. Behold how he runneth upon the rocke of popular governement, even whiles he pretendeth to have his course another way: God send us better pilots. I remember I have read in sundry places of *Bodin de repub.* that the state is oft times different from the governement. But sure I am, this anti-consi-

storian

ſtorian maketh not only the ſtate, but the governement of the Church to be democraticall, & that in the ſuperlative degree, for the governement is democraticall, at leaſt compoſed of a mixture of ariſtocracy, and democracy (which is the moſt that he dare ſay of the Church governement) where the people have the liberty of electing their owne officers and rulers, and where the Senat ſo farre obſerveth the people, that they may not paſſe the finall act, in any matter of importance, without the knowledge and tacite conſent o the people, though the people doe not vote in the Senat, nay though the Senat doe not vote in the hearing of the people. Now this ſeemeth not enough to thoſe with whom wee have now to doe. They will have the people *freely to vote* in all *judgements of the Church*. And what is that, but the very exerciſe of jurisdiction by the people, which is the democracy of *Movellus* condemned by *Parker* himſelfe, who maketh the exerciſe of eccleſiaſticall power proper to the Rulers of the Church, though he placeth the power it ſelfe originally in the whole Church. Let it further be obſerved, what difference theſe men make betwixt the Elders and the people in the governement of the Church: That which they make proper to the Elders is only the propounding and ordering of matters, and the executing of ſome ſo-

de pol. eccle. lib. 3. cap. 7.

lemne act in name of the Church. This is no more then belongeth to the moderator or *Præses* in any consistory, But they will have the matter to bee determined according to the most voyces of the people. And so the new forme of Church governement which is here laid before us, is a mere democracy with many moderators, which is the most monstrous governement that ever was heard of.

His second declaration is, that the Elders may and ought at times to meet apart from the body of the Church, for deliberation. This if hee meane only of that which hee specifieth, the preparing of things so as publikly, and before the people, they may bee prosecuted with most conveniency . It is no more then what many require in moderators of Synods, to whom they think fit, that some Assessors, or Coadjutors be adjoyned for deliberating in private, upon the most orderly and convenient prosecuting of purposes in publike : which as it hindereth not the governement of Synods to be aristocraticall ; so neither doth the deliberation of the Elders in private, hinder the governement now in question to be democraticall. But if he meane generally, that the Elders may deliberate apart upon every thing whatsoever, which is to be voyced by the people, then I aske by what reason doth

hee

he ſeclude from the deliberations thoſe who are to voice? for to give being and force to an Eccleſiaſticall decree by voycing, is more than to deliberate upon it, whence it is that Papiſts give to Preſbyters a deliberative voice in Councels, but not a deciſive voice, and we alſo permit any underſtanding godly man to propound a matter to a Synod, or to reaſon upon it, though none have power of ſuffrage but the Commiſſioners of Churches; So that he had greater reaſon to ſeclude the people from the voyces, than from the deliberations.

His third declaration comes laſt, and Pag. 24. that is that by the people whoſe right in voting they thus ſtand for, they underſtand not women and children, but only men, and them growen, and of diſcretion. Before hee did object to us that neither in Scripture nor in Greeke Authors, the name *Church* is uſed for the aſſembly of ſole Governours: and to this I ſuppoſe I did give a ſatisfactory anſwer. But good Sir be pleaſed mutually to reſolve us where you have read in Scripture, or in Greek Authors the name Church (ſetting aſide all repreſentatives of Churches and Aſſemblies of ſole Govemors) uſed for men alone, and them growen and of diſcretion, ſecluding women and children: for now I ſee your reſerved Gloſſe upon thoſe words *Tell the*

Church: Tell all the men in the Pariſh that are growne and of diſcretion, you muſt not take ſo much upon you, as to expound that Text by a Synecdoche, which none that ever wrote upon it before your ſelves did imagine, and yet challenge us for expounding it by another Synecdoche, following *Chryſoſtome*, *Euthymius*, *Faber Stapulenſis*, and many late Interpreters, who underſtand by Church in that place, the Rulers of the Church, which are the nobleſt part of the Church. I ſhall ſhut up this point with the words of *Hyperius*, who ſaith that we muſt not underſtand by the Church the whole multitude, *Sed potius delectos* &c. *But rather certaine choice Elders, noted for their learning and godlineſſe, in whoſe power the Church will have to bee the judgement in ſuch like cauſes, which is proved from that, that* Matth. 18. *after it was ſaid, Tell the Church, it is added; where two or three are gathered together in my name, there am I in the midſt of them.* And 2 Cor. 2. he ſaith, *Sufficient is this cenſure inflicted by many.*

Comment. in 1 Cor. 5. 4.

Pag. 24, 14.

We have now done with the Elderſhips of particular Churches, but there is another blow which I perceive is intended againſt claſſicall Preſbyteries and Synods provincial and national, for the due power by which my oppoſite would have the Church to be governed, hee layeth before us in this Aſſertion, that *every particular viſible*

ſible Church hath from Chriſt abſolute and intire power to exercise in and of her ſelfe, every ordinance of God, and ſo is an independent body, not ſtanding under any other Eccleſiaſticall authority out of it ſelfe. And this he will prove by ten Arguments: but I ſhall not need to multiply anſwers, as hee doth arguments, becauſe many of them are coincident. The firſt, third, fourth, and ſixth, doe all hit upon the ſame ſtring. The firſt is thus: If thoſe Churches, planted by the Apoſtolique inſtitution, had power fully in themſelves immediatly from Chriſt to practiſe all his ordinances: Then have all Churches the like power now. But the firſt is true. *Ergo.* The third thus; Whatſoever was commanded by the ſeven Churches to be practiſed by each of them, apart, in and for themſelves, that no Church of God muſt now omit. But Eccleſiaſticall government was commanded to the ſeven Churches to bee practiſed by each of them, &c. The fourth thus; If the Church of *Corinth* had power and authority within her ſelfe to exerciſe Eccleſiaſticall Government; then ought not particular Congregations now to ſtand under any other Eccleſiaſtical authority out of themſelves. But the firſt is true, *Ergo.* The ſixth thus. If the Apoſtle gave commandement unto the Elderſhip of *Epheſus* for the whole adminiſtration of all ordinances in that Church; then may

Pag. 26.

Pag. 28.

Pag. 28, 29.

Pag. 30.

the Elderſhip of every particular congregation, adminiſter among themſelves all Gods ordinances. But the firſt is true, *Ergo*.

Now for anſwer to theſe: Firſt, I ſimply deny the connexion of the propoſition of the fourth argument, becauſe it argueth *genere ad ſpeciem affirmative*, from the exerciſing of Eccleſiaſtical Government, to the exerciſing of it independently. Neither hath hee ſaid any thing for proofe hereof. Next, the Reader will eaſily perceive, that both in the firſt and ſixth Argument his citations in proofe both of the propoſitions and aſſumptions, have not ſo much as the leaſt colour of pertinency, and farre leſſe of proofe. In both theſe argutments, when he would prove the propoſition, he ſpeaketh to the aſſumptiõ, & contrariwiſe. But theſe things I deligſt not to inſiſt upon: only I ſhall give two Diſtinctions, any one of which, much more both of them ſhall make theſe arguments wholly improfitable unto him. Firſt, I diſtinguiſh his propoſitions. That power & authority which the Church of *Corinth*, the ſeven Churches of *Aſia*, and other Apoſtolicall Churches had to exerciſe Eccleſiaſtical government in and for themſelves, the like have all Churches now which are of the like frame and condition: but the moſt part of particular Churches now are of a different frame and condition from the Apoſtolique

Churches,

Churches, and ſo have not ſuch fulneſſe of power as they had. Put the caſe that the Apoſtolick Churches were no greater then might and did ordinarily aſſemble together into one place for the worſhip of God, yet ſince by reaſon of the trouble o' thoſe times (which ſuffered not the Chriſtians to ſpread themſelves abroad all the countrey over, but confined them within Cities and ſafe places) thoſe Churches were not planted ſo thick and neare together, as that they might have the conveniency of Synodical conſociation: hence it appeareth that they might do many things in and by themſelves, which particular Congregations now having the conveniency of conſociation with neighbour Churches, ought not to do in and by themſelves. But this I have ſaid *gratis*, having in my former Treatiſe at length declared that the Apoſtolick Churches (at leaſt the moſt and principall of them) were greater then could aſſemble ordinarily in one place of worſhip, and that they were ſerved with ſundry both Paſtors and Elders, & that therefore our Parochiall Churches ought not to be (in reſpect of the points in queſtion) compared with their Churches, nor our Parochiall Presbyteries with their Presbyteries.

The ſecond diſtinction which I have to propound is concerning the aſſumptions of the arguments now in hand. The Apoſtolick Churches did indeed ordinarily exerciſe Eccleſiaſticall government and all the ordinances of Chriſt, in and for themſelves, yet ſo that when the occaſion of a Synode did occurre for determining a queſtion which

which was too hard for particular Churches, and was also common to many Churches, in that case they did submit themselves to the authority of he Synod. Which hath also before beene made plaine from *Act.* 15. To practise all the ordinances of God in a Church is one thing, and to practise them independantly so as never to be subject to the authority of a Synod, is another thing. My antagonist doth after take it for granted & saith,

Pag. 32. that *all learned men have granted* that the Churches of the Apostolick constitution were independant bodies. But whence are you Sir that would make your Reader beleeve there are no learned men in the Churches of *Scotland*, *France*, the low-countries, and the other reformed Churches which have the governement of Presbyteries and Synods, conceiving it to be most agreeable to the Apostolicall patterne? Have you put out of the category of learned men all Protestant writers who in the controversies about Councels dispute against Papists from *Acts* 15.2. Why did you not among all your impertinent allegations, cite some few of those learned men who grant the Apostolick Churches to have been independant bodies? But we must heare what more you have to say.

Pag. 29. Your first eight and tenne arguments are in like manner coincident. The first you frame thus. Such actions the Church may lawfully do wherein no law of God is broken. But there is no law of God broken, when particular Churches do in and among themselves exercise all Gods ordinances. *Ergo.* The eight thus. Whatsoever governe-

ment

ment cannot be found commanded in the written Word o. God, ought not to have any place in the Church of God. But the Government of Presbyteries and Synods over many particular congregations cannot be found commanded, &c. The tenth thus. It is a ſinne againſt God to adde any thing to that forme and manner of ordering Churches which Chriſt hath ſet forth in the new Teſtament. But to ſubject particular congregations under any other Eccleſiaſticall authority out of themſelves, is to adde, &c. Pag. 34.

Now the word *independantly* muſt be added to the aſſumption of the firſt argument, elſe it cannot conclude what he affirmes and we deny: for there is no queſtion but particular Churches may exerciſe in and among them ſelves all Gods ordinances in thoſe caſes and with thoſe diſtinctions which I have ſpoken of before, *part* 2. *chap.* 2. This being cleared I deny the aſſumption in all theſe three arguments. I expected proofe for it, but he hath given none, except that it cannot for ſhame be denied. I had thought it rather a ſhamefull thing for a writer to trouble his Reader with arguments which he cannot make good. But what ſaith he to the profeſſors of *Leyden* who hold the inſtitution of Synods not to be humane, but divine, wch they prove from *Mat.* 18. & *Act.* 15. Nay what is more ordinary in Proteſtant writers then the applying of thoſe words, *Where two or three are gathered together in my name, there am I in the midſt of them*, unto Synods and Councels; and hence they condemne the popiſh Councels, in ſo much that *Bellarmin*, *Salmeron*, and other Jeſuits have in this contradicted all our writers, telling us (as Synopſ. dyp. 49: Th. 10. ex. dyp. 42. Theſ. 62.

theſe men doe) that our Saviour meaneth not of Councels in theſe words. Moreover that commandement whereby we ſtand obliged to follow the example both of the Jewiſh Church in the Old Teſtament, and of the Apoſtolicall Churches in the New Teſtament, in ſuch things as they had not for any ſpeciall reaſon which doth not concerne us, is tranſgreſſed by the withdrawing of Congregations from ſubjection unto Synods. Of which things I have ſaid enough before. It is now but a poore begging of that which is in queſtion, to object that the governement of Presbyteries and Synods hath no warrant from the Word of God.

Pag. 27. Come we then to examine his other Arguments. His ſecond he compoſeth thus. If Chriſt in *Mat.* 18.17. where he ſaith, *Tell the Church*, doth mean a particular Congregation: then hath every particular Congregation an intire power in and of it ſelfe to exerciſe Eccleſiaſticall governement, and all other Gods ſpirituall ordinances. But the firſt is true. *Ergo*, for the propoſition he citeth ſome Writers who do not ſpeak of ſuch a connexion as he had to prove. The aſſumption he proveth thus. That Church which Chriſt intendeth in *Matth.* 18. hath abſolute power in and of it ſelfe to perform all Gods ordinances. But Chriſt intendeth in *Mat.* 18. a particular Congregation. Therefore every particular Congregation hath abſolute power, &c. How bravely doth he conclude the point? *Spectatum admiſſi riſum teneatis amici.* We will not examine our examinators logick: we know what he would ſay: and we would have him to know againe that Chriſt in *Mat.* 18. meaneth indeed ſome ſort

sort of a particular Congregation, but neither only nor independantly. Nay he meaneth all the Consistories of the Church higher and lower respectively, as *Parker* conceiveth, whose words I have before set down: and to this sense the threed of the text doth leade us, for as in the preceding words there is a gradation from one to two or three more, then to the Church, so is there a gradation (by the like order and reason) in the Consistories of the Church. *Tostatus* upon this place acknowledgeth that *Die Ecclesiæ* reacheth as far as to an œcumenicall Councell, when particular Churches erre in their determinations, or when the cause is common to all the Churches, for example, when the Pope is to be condemned.

His seventh argument followes in my order, Pag. 31. and it runneth after this manner. Such offices and callings without which the Church of God is cõpleat and perfect for government, are superfluous and humane. But the Church of God may be compleat & perfect for government, without Presbyteriall and Synodicall offices and callings, *Ergo*. I answer by a distinction. Such offices and callings without which the Church of God are according to the course of Gods ordinary providence, or at all times and in all cases, perfect and compleat for government, are indeed superfluous and humane. But that such offices and callings without which the Church by the absolute power of God or at some times & in some cases is perfect & compleat, are superfluous & humane, we utterly deny. Now for the point of Synods I shall produce no other witnesses then those which this Disputer here taketh to be for him. *Whittaker* acknowledgeth of *De Conc. q 1. p 19.*

De Pol. Eccle. lib.3.pag.131. Councels that *Secundum ordinariam providentiam neceſſaria ſunt ad bonam eccleſiæ gubernationem: according to ordinary providence they are neceſſary for the well governing of the Church.* *Parker* acknowledgeth Synods to be ſometime neceſſary in the Church, and he giveth example of the Councell of *Nice*, without which the evils of the Church in the daies of *Conſtantine* could not have bin remedied.

Pag.33. The ninth Argument remaineth, which is this. That government which meerly tendeth unto the taking away from particular Congregations, their due power is unlawfull. But the government of Presbyteries and Synods (as they now are) doth meerly tend unto the taking away from particular Congregations their due power. *Ergo.* I did expect ſome ſtrong proofe for the aſſumption of this argument, but we muſt take it as it is. He tels us out of *Maſter Barlow*, that no man under the degree of a Prophet or an Apoſtle may preſcribe Gods Church and children patternes. Our Synods are further from preſcribing patterns either of worſhip or Church government than himſelfe is. The patterne and whole manner of Church government is ſet down in the Scripture, thoſe circumſtãces excepted which are common to the Church with the Common-wealth, and are therefore determinable by natures light. Synods may not preſcribe new patterns, no more may particular Churches: but Synods may in common cauſes, and extraordinarily preſcribe unto particular churches, ſuch things as particular churches may in particular cauſes and ordinarily preſcribe to their owne members. If he will beleeve *Parker* (whom he thinks his owne) the authority which

particular

particular Churches have severally is not lost, but augmented when they are joyned together in Synods. But we have before abundantly declared how Presbyteriall & Synodical government doth not at all prejudge the rights of congregations. As for that which here he addeth by way of supposition, putting the case that Presbyteries & Synods will not permit a congregation to reject some cōvicted hereticks, nor to chuse any, except unfit Ministers, this is just as if one should object against Parliaments, that (as they are now) they do meerly tend to the taking away of the right and liberty of the subject, and then for proofe should put the case, that Parliaments will protect and maintaine Monopolists, Projectorers, &c. de pol. eccl. lib. 3. c 13. p. 124. Supra, cap. ult.

Now in this drove of arguments, the drover hath set some like the weake of the flock to follow up behind. The first two are blind, and see not where they are going: for it maketh nothing against us, either that the Eldership of one congregation, hath not authority over the Eldership of another congregation, or that a minister should not undertake the care of more Churches then one. Pag. 35.

His third, that presbyteriall power is never mentioned in the Scripture, is a begging of the thing in question, & is answered before; yet I must put him again in mind of *Parker*, who speaking of churches saith: *Legitur in Scripturis de conjuncta earū auctoritate, quando in Synodis congregantur. We read in their Scriptures of their joynt authority, when they are gathered together into Synods.* But there is a speech of *Zuinglius* against representative Churches, which he may not omit. *Zuinglius* doth indeed justly aske of the antichristian prelats, who had given them Ib. p. 124.

the name of a repreſentative Church, & who had given them power to make Canons &c. yet hee addeth, *de his duntaxat &c. I ſpeak of them only that are ſuch, others who put themſelves under not above the Scriptures, my writings ſhall nothing prejudge.*

Act. explan.

Pag. 36. In the fourth place he objecteth, that whoſoever ſhall deny their aſſertion, muſt hold two diſtinct formes of Church government to be lawfull, one where particular congregations do in & of themſelves exerciſe all Gods ordinances; the other where they ſtand under another eccleſiaſticall authority out of themſelves. I anſwer it is moſt lawfull for particular congregations in and of themſelves to exerciſe all Gods ordinances, according to the diſtinctions & rules above mentioned: but this is not repugnant to their ſtanding, under the authority of presbyteries & Synods, for which let us againe heare a tender friend of congregations. *Major quidem poteſtas eſt Synodi quam unius alicujus Eccleſiæ primæ, & parochialis*; But goe we along.

Supra. cap. 2.

Parker ubi ſupra.

Pag. 129. His firſt argument is, that for this reaſon, among others the learned ſay the Pope is Antichriſt, *viz.* becauſe he will have men to appeale from their owne Churches unto him, and to ſtand unto his ſentence and decree: and doe not the presbyteriall aſſemblies & Synods, take upon them an authority much like to it. Soft my maſter, Soft. Canno leſſe ſerve you, then to match our Church governemēt with the papall uſurpations. 2. I ſhall beſeech you to remember, 1. The Pope is one and receiveth appellations monarchinally: a Synod conſiſteth of many, & receiveth appellations ariſtocratically: 2. The Pope receiveth appellations from other nations beyond Sea: presbiteries and

Synods

Synods not ſo. 3. The Pope will have his ſentẽce received as infallible: presbyteries & ſynods acknowledge themſelves ſubject to error. 4. The Pope acknowledgeth neither the Elders, nor the Elderſhips of congregations: which Presbyteries & Synods do. 5. The Pope acknowledeth no power eccleſiaſticall on earth, except what is ſubject to him, yea derived from him: and who will ſay ſo of Presbyteries & Synods. 6. The Pope receiveth appellations in other cauſes then eccleſiaſticall: Presbyteries and Synods not ſo. 7. Synods are made up of the Commiſſioners of Churches: The Pope neither hath any cõmiſſion himſelfe from the Churches, nor will admit the Commiſſioners of Churches, to ſit in judgement with him. 8. Synods when they receive appellations, are tyed to certaine rules of proceeding and judging, eſpecially the Scripture. The Pope maketh his power boundleſſe, and exalteth himſelfe, above the very Scripture. There ſhall be no end, except I ſtop in time. And what need I to make ſo many differences betwixt light and darkneſſe.

A ſixth argument we ſhall now have, what more meet and reaſonable ſaith he, then that every mans caſe be there heard & determined, where the fault was cõmitted. If this rule hold thẽ the Parliamẽt or privy Councell, ought to go to every remote county & corner of the kingdome, to judge of ſuch faults there cõmitted, as are proper for thẽ to judg.

His 7. 8. 10. 11. arguments muſt be gone with ſilence, for they run upon the robbing of congregations of their right, the exerciſing of eccleſiaſticall government, in all the apoſtolique Churches, & our accoring with Papiſts & the Hierarchy. All which objections have been before repelled; & it is ſomewhat Pag. 37. 38

ſtrange

ſtrange, that the diſputer doth ſo often repeate the ſame arguments, to make up the greater number. A pretty art indeed: like that of the young logician who would needs prove, that the foure egs upon the table were five, becauſe two & three make five.

In this ſecond clauſe of arguments there is only one behind, and that is, that by the titles given to all particular cõgregations, *viz. a kingdome, a family, a body, a Queen &c.* it appeareth that all eccleſiaſticall auctority, ought to be in every one of thẽ diſtinctly, wholly, entirely. Where let the reader obſerve, that he maketh the meaning of that place *Mat.* 3.2. *the kingdome of God is at hand*, to be this, *a particular congregation is at hand*; alſo that he expoundeth *Eph.* 2.19. & *Pſ.* 45. of a particular congregation, which are meant of the holy Catholike Church. But ſay that every particular congregation is a kingdome, a family, a body, a Queene, how proveth he that theſe names doe agree to every congregation in reſpect of her externall policy, or eccleſiaſticall government. Nay ſay they, doe agree in this reſpect, yet in a thouſand examples it is to be ſeen, that one and the ſame thing is both *totum* & *pars*, the whole, & the part, in different reſpects. Whereof we have alſo ſpoken in the former treatiſe.

He concludeth, that by this time he doth ſuppoſe the reader perceiveth, that the Scriptures are every way for them, and againſt the Presbyteriall government, you ſhall doe well Sir to thinke better upon it; you have it yet to prove: Therefore goe to your ſecond thoughts, and examine with me your not unexaminable examination. Farewell.

FINIS.

Smectimnians.
Steuen marshall
Ed: Callamy.
Tim: or Tho: yonge.
Mat: newcomin.
Will: Spurstow

IRREGULAR MARKING OF THE TRACTS

AN ANSWER 4
TO A BOOKE ENTITVLED,
AN HVMBLE
REMONSTRANCE.

In which,

The Originall of { LITURGY / EPISCOPACY } is discussed.

And Quæres propounded concerning both.

The PARITY of Bishops and Presbyters in Scripture Demonstrated.

The occasion of their IMPARITY in Antiquity discovered.

The DISPARITY of the Ancient and our Moderne Bishops manifested.

The ANTIQUITY of Ruling Elders in the Church vindicated.

The PRELATICALL Church Bovnded.

IEREMY 6. 16.

Thus saith the Lord, stand in the wayes, and Behold, and aske for the Old Way, which is the Way, and walke therein.

Tertul. de præscr. adv hæres.

Id Dominicum & verum, quod prius traditum: id autem extraneum & falsum quod sit posterius.

Written by SMECTYMNVVS.

LONDON,
Printed for *I. Rothwell*, and are to be sold by *T. N.* at the Bible in Popes-Head-Alley. 1641.

MOST HONOVRABLE LORDS,

AND YE THE KNIGHTS, CITIZENS, AND BVRGESSES, of the Honourable House of COMMONS,

ALthough we doubt not, but that book which was lately directed to your Honours, bearing the name of an *Humble Remonstrance*, hath had accesse unto your presence: and is in the first approaches of it, discovered by your discerning spirits, to be neither *Humble*, nor a *Remonstrance*; but a heape of confident, and ungrounded assertions; for this to your *Honours* a Reply may seeme superfluous: Yet, lest the Author should glory in our silence, as a graining of the cause, we humbly crave your Honours leave, to present, not so much to your selves, as to the world by your hands, a review of this Remonstrance; in which the Author after too large a *Preface* undertakes the support of two things, which seeme to him to bee threatned with danger of a present precipice, *the Liturgy*, and *the Hierarchie*.

It was a constitution of those admired sonnes of Iustice the *Areopagi*; that such as pleaded before them should pleade without *prefacing* and without *Passion*: had your *Honours* made such a constitution, this Remonstance must have beene banished from the face of your Assembly: for

the *Preface* fils almoſt a fourth part of the Booke, and the reſt ſwels with ſo many *paſſionate Rhetorications*, as it is harder for us in the multitude of his words to finde what his argument is, that we have to anſwer, then to anſwer it when it is found.

We would not trace him in his words, but cloſe immediately with his argments; did wee not finde in him a ſad exemplification of that Divine Axiome, *in Multitudine verborum non deeſt peccatum, in the multitude of words there wants no ſinne:* for though the Authour is bold to call upon your *Honours* to heare the *words of truth and confidence*, yet how little truth there is in this great confidence, the enſuing diſcourſe ſhall diſcover.

Pag. 23.

His very firſt words are confident enough, and yet as falſe as confident; wherein he *Impropriates all honeſty unto theſe his Papers, and brands all others with the name of Libellers*, and yet himſelfe ſins deeply againſt the rule of honeſty, and lies naked to the ſcourge of his owne cenſure.

1 Pag. 1. Firſt, in ſetting a brand upon *all* writings that have lately iſſued from the preſſe, as if they had all forgotten to ſpeake *any other language then Libellous*: it ſeemes himſelfe had *forgotten*, that ſome things had iſſued by Authority of the *King* and *Parliament*.

2 Secondly, in taxing (implicitely) all ſuch as will not owne this Remonſtrance for theirs: as, *none of the peaceable and well-affected Sons of the Church of England.*

3 Pag. 2. Thirdly, in cenſuring the way of petitioning your Honours, the Ancient and ordinary free way of ſeeking redreſſe of our evils, for *a Tumultuary under-hand way.*

4 Pag. 3. Fourthly, in condemning all ſuch as are not fautors of this *Epiſcopall Cauſe*, as none of his Majeſties good Subjects, engroſſing that praiſe onely to his owne party, ſaying, *The eyes of us the good Subjects of this whole Realme are fixed upon your Succeſſe, &c.*

5 Pag. 6. Fiftly, in *Impropriating* to the ſame party the praiſe of *Orthodox*, pag. 6. as if to ſpeak a word, or think a thought

againſt

against Episcopacy, were no lesse Heresie, then it was in formes time to speake against the Popes supremacy, or the monkes fat Belly; whereas whether the *Episcopall part* be the *Orthodox, peaceable, well affected part, and his Majesties onely good Subjects*, wee *leave* to your Honours to iudge, upon the numerous Informations that flow in unto you from the severall parts of this Kingdome.

Nor can they decline your Iudgment, *seeing now you are* (*through Gods blessing*) happily met in a much *longed for Parliament*: but whether so much longed for by him and his accomplices; as by those against whom he whets his Style, the Prayers that have obtained this happy meeting, and the prayses that doe attend it, will decide in that great day. Pag. 2.

The *Helena*, whose Champion this Remonstrant chiefely is: is that *Government* which hee calles *Sacred*, viz. that *Government by Arch-Bishops, Bishops, Deanes, Archdeacons, &c.* which, saith he, through the sides *of some misliked persons some have endeavoured to wound. Misliked Persons?* and why not offending persons? why not guilty persons? when this *Honourable house hath found* just cause to charge some of them, with crimes of the highest nature. Our zeale for your *Honours* make us feare, lest your assembly should suffer in this word; as if your proceedings against such persons should be grounded upon compliance with such as doe mislike them, rather then upon their owne demerits, or the Iustice of this Court.

But what ever those Persons be, the Government it self is Sacred; which *by their own confession of all reformed Divines, derives it selfe from the times of the blessed Apostles, without any interruption, without contradiction of any one congregation in the world unto this present age.* This is but an *Episcopall Bravado*, therefore we let it passe, till we come to close and contend with him in the point; where we shall demonstrate, that in the compasse of three lines hee hath packt up as many untruths, as could be smoothly couched in so few words, as any man of common understanding, that lookes upon the face of the Government Pag 7. Untruths.

of almost all reformed Churches in the Christian world, may at first view discover.

But before we come to this, there are yet two things in this Preface which we count not unworthy observation. The *First* is, the comparison which he makes between the two Governments, the Civill which with us *is Monarchie*: and the sacred which with *him is Episcopacy*. Of the first he saith, *if Antiquity may be the Rule*; (as he pleades it for Episcopacy) or if Scripture (as he interprets Scripture) it is VARIABLE, and ARBITRARY: but the other DIVINE and VNALTERABLE; so that had men petitioned for the altering of *Monarchicall* Government, they had (in his Iudgement) beene lesse culpable, both by Scripture, and Antiquity, then in petitioning the alteration of the *Hierarchicall*: Had he found but any such passage in any of his *Lewd Libellers* (as his modesty is alwayes pleased to tearme them) certainly if we may borrow his owne phrase, the eares of the *three Interessed Kingdomes, yea, all the neighbour Churches, and if we may say, the whole Christian world, and no small part beyond it*, had rung with the lowd cryes of no lesse then *Treason, Treason*.

Remon. pag 8.

Truth is, in his *Antiquity* we find that *this his uninterrupted sacred Government*, hath so far invaded the Civill, and so yoked Monarchy, even in this Kingdome, as *Malmesbury* reports: That *William Rufus oppressed by Bishops*, perswaded the Iewes to confute them; promising thereupon to turne *England* to their Religion, that he might be free of Bishops. And this is so naturall an effect of *unalterable Episcopacy*, that *Pius* the fourth to the *Spanish* Embassadour, importuning him to permit Bishops to bee declared by the Councell of *Trent*, to be *Iure Divino*, gave this answer: That his King knew not what he did desire, for if Bishops should be so declared, they would be all exempted from his Power, and as independent as the Pope himselfe.

Malmesbury lib. 4.

Hist. Concil. Trid.

The second thing observable is the comparison hee makes betweene the late *Alterations* attempted in our Neighbour Church by his Episcopall faction, and that

Altera-

Alteration that is now justly desired by the *humble petitioners* to this *Honourable House*. The one being attempted by strangers, endevouring violently to obtrude *Innovations* upon a *setled Church and State*, The other *humbly petitioned* to the *Heads and Princes* of our State by *Multitudes* therein *almost ruined by an Innovating* Faction: yet doth not this Remonstrant blush to say; if *these be branded*, (so he cals the just censures of this Honorable House) *For Incendiaries, how shall these Boutefeux escape, &c.* thus cunningly indeavouring either to justifie the former by the practise of the latter, or to render the latter more odious then the former. Pag. 9.

The attempts of these men whom he would thus render odious, hee craves leave to present to your Honours in two things, which are the subjects of this quarrell: The *Liturgie* and *Episcopacy*, and we *humbly crave your Honours leave in both to answer*.

SECT. II.

First, the Liturgie of the Church of England (saith he) hath hinhitherto esteemed sacred, reverently used by holy Martyrs, daily frequented by devout Protestants, as that which more then once hath been confirmed by the Edicts of religious Princes, and your own Parliamentary Acts, &c. And hath it so? whence then proceed these many *Additions* and *Alterations*? that have so changed the face and fabrick of the Liturgie, that as Dr. *Hall* spake once of the pride of *England*: if our fore-fathers should revive and see their daughters walking in *Cheapside* with their fannes and farthingales, &c. they would wonder what kinde of creatures they were, and say Nature had forgot her selfe and brought forth a monster: so if these holy Martyrs that once so reverently used the Liturgy should revive and looke for their Letany stampt by Authority of Parliament, they would be amased, and wondering say; *England* had forgotten her selfe and brought forth, &c. Martyrs? what doe we speake of Martyrs when we know Sir, that one of your owne [a] Bishops said it

Liturgie.

Pag. 10.

a *Ad hoc malorum devoluta est Ecclesia Dei & sponsa Christi ut hæreticorum exempla Sectentur & ad celebranda Sacramenta cælestia, disciplinam. Lux mutuetur de tenebris, & id faciant christiani quod Antichristi faciunt.* Cypr. Ep. 74.

it in the hearing of many not so long since, but you may well remember it. *That the service of the Church of England was now so dreſt, that if the Pope ſhould come and ſee it, he would claime it as his owne, but that it is in Engliſh.*

It is little then to the advantage of your cauſe, that you tell us, *it is tranſlated into other languages*, and as little ſervice have they done to the Church of *England*, who have taught our Prayers to ſpeake Latine againe: For if it be their Language chiefly that overthrowes the Popes claime, take away that, and what hinders then, but the Pope may ſay, *theſe are mine.*

As for other Tranſlations and the great applauſe it hath *obtained from Forraigne Divines*, which are the fumes this Remonſtrant venditates; what late dayes have produced we know not, but the great lights of Former ages have beene farre from this applauding: we are ſure judicious *Calvine* ſaith, that in the Liturgy there are ſundry *Tolerabiles Ineptiæ*, which we thinke is no very great applauſe.

To vindicate this Liturgy from ſcorne (as he eſtiles it) *at home*, or by your *Honours aide to reinforce it upon the Nation*, is the worke of his Remonſtrance; for the effecting whereof he falls into *an unparallel'd* diſcourſe about the Antiquity of Liturgies; we call it *unparalleld*, becauſe no man that we have ſeene ever drew the line of Liturgy ſo high as he hath done. Page 13.

Concerning which, if by *Liturgy* this Remonſtrant underſtand an *Order obſerved in Churches aſſembled of Praying, reading, and expounding the Scriptures, Adminiſtring Sacraments, &c.* Such a Liturgy we *know* and do *acknowledge* both *Iewes* and *Chriſtians* have uſed. But if by Liturgy hee underſtand preſcribed and ſtinted formes of Adminiſtration *Compoſed* by ſome particular men in the Church, and *impoſed* upon all the reſt (as this he muſt underſtand, or elſe all hee ſaith is nothing) wee deſire and expect that thoſe formes, which he ſaith *are yet extant, and ready to be produced, might once appeare.*

Liturgy of this former ſort we finde in *Iuſtine Martyr* and

Iuſt. Mar. Apoſt. 2.

and *Tertullian*. But that there were not such *stinted Liturgies* as this *Remonstrant* disputes for, appeares by *Tertullian*, in his *Apol. Cap.* 30. where he saith the Christians of those times did in their publique assemblies pray *sine monitore quia de pectore, without any Prompter but their own hearts*. And that so it should be the same Father proves in his Treatise, *de Oratione: Sunt quæ petantur, &c. There are some things to be asked according to the occasions* of every man: *the lawfull & ordinary prayer (that is the Lords Prayer) being laid as a foundation; It is lawfull to build upon that foundation other prayers according to every ones occasions*. And to the same purpose S. *Austin* in his 121. *Ep. Liberum est, &c.* it is free to aske the same things that are desired in the Lords Prayer, *aliis atque aliis verbis*, sometimes one way and sometimes another: And before this in that famous place of *Iust. Mar. Apo.* 2. *He, who instructed the people, prayed according to his ability*, Nor was this liberty in prayer taken away, and set and imposed formes introduced, untill the time that the *Arian* and *Pelagian* Heresies did invade the Church, and then because those Hereticks did convey and spreade their poyson in their formes of Prayer and Hymnes, the Church thought it convenient to restraine the liberty of making and using publike formes: And first it ordained that none should pray *pro Arbitrio, sed semper eadem preces*, that none should use liberty to vary in prayer; but use alwaies the same forme, *Conc. Laod. Can.* 18. yet this was a forme of his owne composing, as appeares by another *Canon*, wherein it was ordered thus: None should use any forme, unlesse he had first conferred *Cum fratribus instructioribus: with the more learned of his brethren. Conc. Carth.* 3. *Can.* 23. and lastly that none should use set prayers, but such as were approved of in a Synode, which was not determined till the yeare 416. *Conc. Milev.* 2. *Can.* 12. And had there been any Liturgies of Times of the first and most venerable antiquity producible, the great admirers of them, and inquirers after them would have presented them to the world ere this.

Tert. Ap. ad Gen. c. 39.

Iust. Mar. Apost. 2. ἐπιγνεστὼς ὃς δύναμις ἀνάπεμπει.

Concil. La. Can. 18.

Conc. Carth. 3. *Can.* 23. *Anno* 397.

Conc. Milev. 2. *Can.* 12. *An.* 416.

we know that *Bishop Andrews* in his zeale for Liturgies pursued the inquiry after the *Iewish Liturgie* so far, that he thought he had found it; and one there was which he sent to *Cambridge* to be translated: but there it was soone discovered, to have beene made long after the Iewes ceased to be the Church of God; and so himselfe suppresst it, that it never saw the light under a translation.

Pag. 10. We wonder therefore, what this Remonstrant meant to affirme so confidently, that *part of the forme of prayer which was composed by our blessed Saviour, was borrowed from the formes of prayer formerly used by Gods people.* An opinion we never met before; indeed, we have read that the *Rabbines* since the daies of our Saviour have borrowed some expressions from that *Prayer*, and from other *Evangelicall passages:* But we never read till now, that the *Lord Christ the wisdome of the Father* borrowed from the *wisdome of the Rabbines* expressions to use in Prayer.

Pag. 11. And as much we wonder by what *Revelation or Tradition* (Scripture being silent in the thing) he knew, that *Peter* and *Iohn*, when they went up to the Temple to pray, their Prayer was not of a *sudden and extemporary conception, but of a Regular prescription.* Sure we are some as well read in *Iewish antiquity*, as this Remonstrant shewes himselfe to be; have told us that the houre of Prayer was the time when the Priest burnt Incense; and the people were at their private prayers without, as appeares, *Luke* 1. 9. where we reade, that while *Zachary* the Priest went in to offer Incense, all the people stood without praying in the time of the Oblation. Which Prayers were so far from being *Prescript Formes* or Liturgies that they were not *vocall* but *mentall* Prayers, as Master *Meade* tels us in his exposition upon the eighth of the Revelations.

Pag. 18. And what ever *Peter* and *Iohn* did, this we know, that when the Publican and the Pharisee went up to the Temple to pray (as the Apostles did at the houre of prayer) their prayer *was not of Regular prescription, but of a present Conception.*

But

But if this Remonstrant be in the right, concerning the Iewish Liturgies, then the Evangelicall Church might better *have improved her peace and happinesse, then in composing Models of Invocation and Thanksgiving*, when there is one *extant and ready to be produced, that was constantly used by Gods people ever since Moses daies, and put ever to the times of the Gospel and confirmed by Apostolicall practise*: or else great is our losse, who are so unhappily deprived of the best *improvement, the Church made of her peace and happinesse* in the first 300. yeares: for rejecting those *Liturgies* that are confest by the Learned to bee *Spurious*; We *challenge* this *Remonstrant* to produce any one *Liturgie* that was the issue of those times. And blessed *Constantine* was herein as unhappy as we, who needed not have composed formes of prayer for his Guard to use upon the Lords day, but might and would have taken them out of former Liturgies, if there had been any; *And can ye with patience think that any ingenuous Christian should be so transported*, as upon such weak and unproved *premises* to build such *a Confident conclusion*, as this Remonstrant doth? and in that *Conclusion* forget the state of the controversie sliding from the question of a *prescribed and imposed Liturgie* to an arbitrary book of prayer.

Pag. 11.

Euseb. de vit. Con. li. 4. cap. 18.

Pag. 11.

In his *Rhetoricall Encomium of conceived prayer* wee shall more willingly bear a part with him, then they whose cause he pleads; for had that been in their *hearts*, which is in this *book: to hate, to be guilty of powring water upon the Spirit, and gladly to adde oyle rather*: so many learned, able, Conscientious *Preachers* had not been molested and suspended, for *letting the constant flames of their fixed conceptions mount up from the altar of their zealous heart unto the throne of grace*: nor had there been so many advantages watched from some stops and seeming *solœcismes* in some mens prayers, *to blaspheme the spirit of prayer*, which though now confest to be so *far from being offensive, that they are as pleasing Musick in the eares of the Almighty*: yet time hath been, when they have sounded as meere *Bartologies*, nay no better then meere *Blasphemies* in the eares of some Bishops.

Pag. 12.

Pag. 12.

Pag. 13. And if this conceived prayer be not to be oppoſed in another, by any man that hath found the true operation of this grace in himſelfe: with that ſpirit then are thoſe poſſeſt, that have not only thus raged with their tongues againſt this way of prayer: but by ſealing up the mouthes of Miniſters for praying thus in publike, and impoſing penances upon private Chriſtians for praying thus in their Families: and compelling them to *abiure* this practiſe, have endeavoured with raging violence to baniſh this divine ordinance from our Churches and dwellings, and profeſt in open Court: it was fitter for *Amſterdam* than for our Churches.

D. Corbet. M. Novel.

But howſoever this applauſe of conceived prayer may ſeeme to be Cordiall, yet he makes it but a *vantage ground* to lift up *publike formes of ſacred Church Liturgie* (as hee calls it) the higher, that they may have the greater *honour*, that by the *power of your authority they be reinforced*, which worke there would have beene no need to call your *Honors* to, had not *Epiſcopall zeale* broke forth into ſuch flames of indignation againſt conceived prayers, that we have more juſt cauſe to implore the *propitious aide* of the ſame *Authority* to *reeſtabliſh the Liberty of this*, then they to *re-inforce* the neceſſity of that.

Pag. 13.

Yet there are two ſpecious Arguments which this Remonſtrant brings to perſwade this deſired re-inforcement, the Originall and Confirmation of our Liturgie.

Pag. 13.

For the firſt, he tels your *Honours*, it was *ſelected out of ancient Models not* ROMAN *but* CHRISTIAN, *contrived by the holy Martyrs and Confeſſors of the bleſſed reformation of Religion*; where we beſeech your *Honours* to conſider how we may truſt theſe men, who ſometimes ſpeaking and writing of the ROMAN Church, proclaime it a true Church of CHRIST, and yet here ROMAN and CHRISTIAN ſtand in oppoſition: ſometimes they tell men, their Liturgie is wholly taken out of the *Romane Miſſall*, only with ſome little alteration: and here they would perſwade your Honours there is nothing *Romane*

in

in it. But it is wholly ſelected out of pure *Ancient Models*, as the *Quinteſſence* of them all. Whereas alas the originall of it, is publiſhed to the world, in that Proclamation of *Edward* the ſixt.

And though here they pleaſe to ſtile the Compoſers of it, *holy Martyrs, and contrivers of the bleſſed Reformation:* yet there are *of the Tribe for whom he pleads*, not a few that have called them *Traitors* rather then *Martyrs*, and *Deformers* rather then *Reformers* of our Religion.

His other Argument for the Liturgie is taken from that *ſupply of ſtrength, it hath received from the recommendation of foure moſt Religious Princes & your own Parliamentary eſtabliſhments: and more eſpecially from the Proclamation of King* Iames *of famous memory*: the validity of which plea, your Honors are beſt able to judge, and therefore we leave it at your Bar; yet theſe two things we know: firſt, that this *form* was never *eſtabliſhed* to be ſo *punctually obſerved*, ſo *rigorouſly preſſed*, to the *caſting out of all that ſcruple it, or any thing in it* (as many of his Majeſties Subjects now doe) to the (*almoſt*) juſtling out of the *preaching of the Word*, and *Conceived Prayer altogether*. Pag. 13, 14.

And ſecondly, as ſure we are, that your *Honors* thinke neither your own Lawes, nor the Proclamation of that *moſt famous and ever admired Prince*, to be as unalterable as the Lawes of the *Medes* and *Perſians*.

And now having briefly ſhewed, that *Liturgies* are not of that *antiquity* that this *Remonſtrant* pretends, but that *conceived prayer* was in *uſe* in the Church of God before *Liturgies*, and is *juſtified from their own mouthes*, and not to be *found fault with by any but a graceleſſe man:* and having likewiſe ſhewed that *our Liturgie was taken* out of Models, not only *Chriſtian* but *Romane*, and hath ſince the firſt compiling of it ſuffered *alteration* to the *worſe*; and though *eſtabliſhed by Law*, and confirmed by Proclamation, was never intended to the juſtling out, either of preaching or conceived prayer; theſe things declared, we humbly crave your Honors leave to propound theſe two *Queries*.

Quere I.

Whether it be not fit to conſider of the alteration of the preſent Liturgie.

1 Firſt, becauſe it ſymbolizeth ſo much with the Popiſh Maſſe, as that the Pope himſelfe was willing to have it uſed, if he might but confirme it.

2 It was made and compoſed into this frame, on purpoſe to bring the Papiſts to our Churches, which we finde to be with ſo little ſucceſſe, as that it hath rather brought many of us to them, then any of them to us, and hath loſt many of ours from us.

3 Becauſe many things therein contained are ſtumbling blocks before the feet of many: ſuch as theſe, the clogging it with Ceremonies, and the often and impertinent reiterating of the Lords Prayer, the ill tranſlation of the Pſalmes, and other Scriptures, the many phraſes in the very prayers, which are liable to juſt exception. And whereas the Miniſter by the Scripture is the peoples mouth to God, this booke preſcribes Reſponſories to bee ſaid by the people, ſome of which are unſuitable to what the Miniſter pronounceth, ſome of them ſeeme to ſavour of Tautologie, ſome are made to be ſo eſſentiall to the prayer, as that all which the Miniſter ſaith, is no prayer without them; as in the *Letany*.

4 Becauſe it is ſo much Idolized, as that it is accounted the only worſhip of God in *England*, and is now made the upholder of a non-preaching Miniſtery, and is cryed up to that heighe, as that ſome are not aſhamed to ſay, that the wit of men and Angels cannot mend it; and that it is a ſufficient diſcharge of the Miniſters duty to reade this Booke.

Abbot againſt Church forſakers.

5 There are ſuch multitudes of people, that diſtaſte this booke, that unleſſe it be altered, there is no hope of any mutuall agreement between Gods Miniſters and their people.

There is ſuch a vaſte difference betweene it, and the Li-

turgie

turgies of all other reformed Churches, as that it keepes them at a diſtance from us, and us from full Communion with them.

Quere II.

Whether the firſt reformers of Religion did ever intend the uſe of a Liturgie further, then to be an help, in the want, or to the weakneſſe of a Miniſter.

All other reformed Churches, though they uſe Liturgies, yet doe not binde their Miniſters to the uſe of them. 1

A Rubrick in King *Edwards* booke left it unto the diſcretion of the Miniſter, what and how much to reade, when there was a Sermon. 2

The Homilies which are appointed to be read, are left free either to be read or not, by preaching Miniſters, and why not then the Liturgie? eſpecially conſidering that the ability to offer up the peoples wants to God in prayer is part of the Miniſteriall office, as well as preaching. And if it can be thought no leſſe than ſacriledge, to rob the people of the Miniſters gift in preaching, and to tie them to Homilies, it can be no leſſe, to deprive them of their gift in prayer. 3

The ground of the firſt binding of it upon all to uſe, was not to tie godly men from exerciſing their gift in prayer; but the old popiſh Prieſts, that by a ſeeming returne to our Religion, did through indulgence retaine their places; from returning to the old Maſſe. 4

That which makes many refuſe to be preſent at our Church ſervice, is not only the Liturgie it ſelfe, but the impoſing of it upon Miniſters. And we finde no way to recover our people to a ſtinted prayer, but by leaving it free to uſe or not to uſe. 5

If it be objected, that this will breed diviſions and diſturbances in Churches, unleſſe there be a uniformity, and that there are many unable. *Ob.*

It hath not bred any diſturbance in other reformed Churches. *Anſw.*

Why

2 Why ſhould the free liberty of uſing or not uſing a Liturgie, breed more confuſion than the free liberty of reading or not reading Homilies, eſpecially when Miniſters ſhall teach people, not to condemne one another in things indifferent.

3 If there be a care taken in thoſe that have the power to make Miniſters, to chooſe men gifted as well for prayer as preaching, there cannot be conceived how any inconvenience ſhould follow. Or if afterwards it ſhould appeare, that any Miniſter ſhould prove inſufficient to diſcharge the duty of prayer in a conceived way, it may bee impoſed on him as a puniſhment, to uſe ſet formes and no other. But why any Miniſter that hath the gift of prayer, in an abundant meaſure, as well as of preaching, ſhould be hindered from exerciſing his gift well, becauſe another uſeth it ill, is a new Divinity never heard of in Gods Church, till Biſhop *Wrens* daies, who forbad all uſe of conceived prayer in the Church.

SECT. III.

WE come now with your *Honours favour*, to the ſecond point diſputed in this Remonſtrance; *Epiſcopacy it ſelfe*: againſt which, whatſoever hath been either ſpoken or written by any, either *learned Divines*, *Pag.* 17. or *well reformed Churches* (as his conſcience knowes, there are of both that have writ againſt it) is Taxed by him as no other then the *uniuſt Clamors either of weak or factious perſons*. Sure the man thinkes he hath obtained a *Mono-* *Pag.* 17. *poly* of learning, and all *Knowledge* is lockt up in his *boſome*; and not only *Knowledge* but *piety* and *peaceableneſs* too; for all that are not of his opinion, muſt ſuffer either as weake or factious, if he may be their Iudge. We know not what this Arrogancy might attempt to faſten upon your *Honors*, ſhould the *bowels* of your compaſſion bee enlarged, to weigh in the Ballance of your wiſdomes, the *multitude* of *Humble petitions*, preſented to you from ſeverall parts of this Kingdome, that hath long groaned under the

the Iron and Insupportable yoake of this *Episcopall Government*, which yet we doubt not, but your *Honours* will please to take into your prudent and pious consideration: Especially knowing it is their continuall practise to loade with the odious names of *Faction* all that justly complain of their *unjust oppression*.

In his addresse to his defence of Episcopacy, he makes an unhappy confession *that he is confounded in himselfe*. Your Honours may in this beleeve him, for hee that reades this Remonstrance, may easily observe so many falsities and contradictions, (though presented to publike view, with a face of confident boldnesse,) as could not fall from the Pen of any, but *selfe-confounded man*: which though we doubt not but *your Honours* have descryed; yet because they are hid from an errant, and unobserving eye, under the Embroyderies of a silken Language, wee Humbly crave your Honours leave to put them one by one upon the file, that the world may see what credit is to be given to the bold assertions of this confident Remonstrant. *Pag.* 17.

First, in his second page, he dubs his Book * *the faithfull messenger of all* a *the peaceable and right affected sons of the Church of England*: which words (besides that unchristian *Theta*, which as we already observed, they set upon all that are not of his party,) carry in the bowels of them a notorious falsity and contradiction to the phrase of the booke; for how could this booke be the messenger of all *his owne party* in England, when it is not to be imagined, that all could know of the comming forth of this booke before it was published: and how can that booke crave admittance in *all their names*, that speakes in the singular number, and as in the person of one man almost the whole booke thorow.

But it may be some will say this is but a small slippe; well be it so: but in the seventh page hee layes it on in foure lines, asserting these foure things: First, that *Episcopall Government*, (that very same Episcopall Government, which some *he saith seekes to wound*, *Pag.* 7.

1 * *Pag.* 2. a One of these Sonnes of the Church of England whose messenger this Remonstrance is, was he who swore by the Eternall God, he would be the death of those that did appeare to move a gainst the grievances of Episcopacy, and if the rest of these Millions mentioned pag. 2. whose thousands are so punctually calculated p. 41 be of his spirit: they are an army of very peaceable & right affected men.

2

that is Government by Diocesan Bishops) derives it selfe from the Apostles times, which though we shall ere long more fully confute anon, yet we cannot here but ranke it among his notorious—— : for how could there be such Government of a Diocesse by a Bishop derived from the Apostles times : when in the Apostles times there were no Bishops distinct from Presbyters, as we shall shew, and if there had beene Bishops, yet they were no Diocesans, for it was a hundred yeares after Christ, or as most agree 260. before Parishes were distinguished, and there must be a distinction of Parishes before there could be an union of them into Diocesses.

Evaristus, 100. *Dionysius*. 260. Some say 267. as *Pol. Virg.*

Secondly, it is by *the joynt confession of all reformed Divines granted, that this sacred Government is derived from the Apostles* : What all reformed Divines ? was *Calvin, Beza, Iunius, &c.* of that minde ? Are the reformed Churches of *France, Scotland, Netherlands*, of that Iudgement? we shall shew anon that there is no more Truth in this Assertion then if he had said with *Anaxagoras*, snow is black, or with *Copernicus*, the Earth moves, and the heavens stand still.

2

3

Thirdly, he saith this *Government hath continued without any interruption* : What doth he meane, at *Rome*? for we reade in some places of the world this Government was never known for many yeares together : as in *Scotland*, we reade that in Ancient times the *Scots* were instructed in the Christian faith by Priests and Monkes, and were without Bishops 290. yeares : yea to come to *England*, we would desire to know of this Remonstrant whether God had a Church in *England* in Q. *Maries* daies or no ? and if so, who were then the Bishops of this Church, for some there must be, if it be true that this man saith, this Government hath continued without any interruption unto this day ; and Bishops then we know not where to finde but in the line of Popish succession.

Ioh. Maior l. 2. Hist. de gest. Scot. Cap. 2.

4

Fourthly, he saith it hath thus continued *without the contradiction of any one Congregation in the Christian world*. It seemes he hath forgotten, what their own darling

Heylin

Heylin hath written of the people of *Biſcay in Spaine*, that they admit of no Biſhops to come among them, for when *Ferdinand* the Catholike came in progreſſe accompanied among others with the Biſhop of *Pampelone*, *the people* roſe up in Armes, drove back the Biſhop, and gathering up all the duſt which they thought he had trode on, flung it into the Sea. *Heylins Geog. p. 55.*

Which ſtory had it been recorded only by him, would have been of lighter Credit. But we reade the ſame in the Spaniſh Chronicle, who ſaith more then the Doctor, for he tels us that the People threw that duſt that the Biſhop or his Mule had trode on, into the Sea with *Curſes and Imprecations*: which certainly ſaith he was not done without ſome *Myſterie*, thoſe people not being voide of Religion, but ſuperſtitiouſly devout as the reſt of the Spaniards are: ſo that they is one Congregation in the Chriſtian world in which this Government hath met with contradiction. *Gener. Hiſt. of Spain l. 22*

And are not the *French*, *Scottiſh*, and *Belgicke* Churches worthy to be counted Chriſtian Congregations, and who knows not that amongſt theſe this Government hath met not only with verball, but reall contradiction?

Yet he cannot leave his---- : But within two pages is at it again; and *tels us of an unqueſtionable clearneſſe wherein it hath been from the Apoſtles derived to us*, how unqueſtionable? when the many volumes written about it, witneſſe to the world, and to his *conſcience*, it hath been as much queſtioned as any point (almoſt) in our Religion. 6 *Pag. 9.*

And that aſſertion of his that tels us that the people of God *had a forme of prayer as ancient as Moſes*, *which was conſtantly practiſed to the Apoſtles dayes*, *and by the Apoſtles*, *&c.* though we have ſhewed how bold and falſe this aſſertion is, yet we mention it here as deſerving to be put into the Catalogue. 7

And that he may not ſeeme *Contra Mentem ire*: but to be of the ſame minde ſtill, *p.* 18. he *ſaith Epiſcopall Government hath continued in this Iſland ever ſince the firſt* 8 *Pag. 18.*

plantation of the Gospell without contradiction. Had he taken a lesse space of time, and said but since the *resuscitation* of the Gospel: we can prove it to him and shall, that since the reformation, Episcopacy hath been more contradicted, then ever the Papacy was before the extirpation of it.

9 Yet still the man runs on, thinking to get credit to his untruthes by their multiplications, for *pag.* 21. hee saith; *Certainly except all Histories, all Authors faile us, nothing can be more certain then this truth: Os Durum!* Nothing more certain: what is it not more certain that there is a God? is it not more certain that Christ is God and man? is it not more certaine that Christ is the onely Saviour of the world? Nothing more certaine: must this then be an Article of our Creede, the corner stone of our Religion: must this be of necessity to Salvation? Nothing more certaine. O that men should not onely forget themselves, but God also: And in their zeale for their owne Honour utter words bordering upon *Blasphemy.*

Indignation will not suffer us to prosecute these falsities of his any further; wee will leave this displeasing service, onely retorting the words of this Remonstrant upon himselfe; *Surely could he looke with our eyes* (or any eyes that were not partiall) *he would see cause to bee throughly ashamed of these his grosse injurious miscarriages, and should be forced to confesse, that never good cause* (if cause be good) *had more reason to complaine of a sinfull prosecution.*

Pag. 18.

Sect. IV.

WE will now come with your Honours patience to weigh, whether there be any more strength in his arguments, then there is truth in his assertions.

His Plea for Episcopacy consists of two parts. In the first he brings arguments for the supporting of it. In the second he undertakes to answer the objections that may be made against it.

His first argument for it, is couched in these words;

Were

Were this Ordinance merely humane or Eccleſiaſticall, if there could no more be ſaid for it, but that it is exceeding Ancient, of more then 15 hundred yeeres, &c. The ſtrength of which argument lies in this, that they have beene in peaceable poſſeſſion of this government fifteene hundred yeares and upwards; and in this Iſland ever ſince the Goſpell, without contradiction. Pag. 18.

In which words he ſpeakes two things, which deſerve juſt cenſure. First, that the Hierarchicall Government hath continued for fifteene hundred yeares, therefore ſhould not now be altered, which may well be called, as *Hierome* in another Caſe; *Argumentũ Galeatum, an argument calculated for the Meridian of Epiſcopacy, and may indifferently ſerve for all Religions in the world.* For thus the Iewes might have pleaded againſt Chriſt the Antiquity of more then ſo many hundred years; and thus the Heathens did plead againſt the Chriſtian Religion, which *Iuſtin Martyr* in his Apology anſwers. And by this Argument the Pope ſits as faſt rivetted in his chayre at Rome, as ours in theirs: whoſe plea for Antiquity runs parallell with theirs. It is a good obſervation of *Cyprian*, that Chriſt ſaid, *Ego ſum via, veritas & vita*, not *Ego ſum conſuetudo*; and [a] that *Conſuetudo ſine veritate eſt vetuſtas erroris*, Chriſt is Truth, and not Cuſtome, and Cuſtome without Truth, is a mouldy errour: and as Sir *Francis Bacon* ſaith, *Antiquity without Truth, is a Cypher without a Figure.*

Yet had this [b] Remonſtrant been as well verſed in Antiquity, as he would beare the world in hand he hath, hee might have found Learned Ancients affirming, there was a Time when the Church was not governed by Biſhops, but by Presbyters. And when by Biſhops, he might further have ſeene more affinity betweene our Biſhops and the Pope of Rome, then betweene the Primitive Biſhops

[a] *Fruſtra conſuetudinẽ nobis opponunt, quam ſi conſuetudo major ſit veritate, aut nouid ſit ea ſpiritualibus ſi quendum, quod in melius fuerit à Spiritu Sancto Reuelatum, Cypr. Ep. 73.*

[b] It is well obſerved by *Gerhard*, that a Biſhop *Ebraſi Apoſtolicâ*, that is, a Biſhop that is the ſame with a Presbyter, is of fifteene hundred yeares ſtanding; but a Biſhop, *Ebraſi Pont ficiâ*, that is, a diſtinct order ſuperiour to a Presbyter inveſted with ſole power of Ordination and Iuriſdiction, is but a Novell Invention.

and them. And that as King *Iames*, of famous memory, ſaid of the Religion of *England*, that it differed no more from Rome, than Rome did from what it was at firſt; may as truly be ſaid of Biſhops, that we differ no more from them, then they doe from what Biſhops were, when firſt they were raiſed unto this eminency: which difference we ſhall ſhew in our enſuing Diſcourſe, to be ſo great, that as he ſaid of Rome, he did *Romam in Roma quærere*, he ſought Rome in Rome; ſo we *Epiſcopatum in Epiſcopatu*, may go ſeek for a *Biſhop among all our Biſhops*.

Pag. 19. And whereas in his application of this Argument to the Biſhops of this Nation, he ſaith, *It hath continued in this Iſland ever ſince the firſt plantation of the Goſpel, without contradiction*; which is his *Second* in this Argument: How falſe this is we have declared already, and we all know, and himſelfe cannot but know, that there is no *one thing* ſince the reformation, that hath met with ſo much *Contradiction* as *Epiſcopacy* hath done; witneſs the ſeverall *Bookes*, written in the Reignes of our ſeverall Princes, and the many *Petitions* exhibited to our ſeverall *Parliaments*, and the many ſpeeches made therein againſt *Epiſcopall Government*: many of which are yet extant.

Pag. 19. As for that ſupply of Acceſſory ſtrength, which he begs to this Argument, from the *light of nature, and the rules of iuſt policy, which* (ſaith he) *teacheth us not eaſily to give way to the change of thoſe things, which long uſe and many* [a] *Lawes have firmly eſtabliſhed, as Neceſſary and Beneficiall*; it is evident, that thoſe things which to former Ages have ſeemed *Neceſſary* and *Beneficiall*, may to ſucceeding Generations, prove not *Neceſſary* but *Noxious*, not *Beneficiall* but *Burthenſome*. And then the ſame *light of nature*,

a What the eſtabliſhment of Epiſcopacy by the Lawes is, and upon what grounded, the learned Sir *Edward Cooke* informes us, who reports, That in an Act of Parliament holden at *Carlile* in the 25. yeare of *Edw.* 1. it is declared that the holy Church of *England* was founded in the ſtate of Prelacy within the Realme of *England*, by the King and his Progenitours, &c. for them to informe the people in the Law of God, and to keep oſpitality, and give almes, and do other workes of charity. And the ſaid Kings in times paſt were wont to have their adviſe and counſell for the ſafe-guard of the Realme, when they had need of ſuch Prelates and Clarkes ſo advanced. *Cooke de jure Regis Eccleſiaſtico.* But whether Biſhops have obſerved the Orders of their firſt foundation, &c.

and

and the same *iust policy*, that did at the first command the establishment of them, may and will perswade their *abolishment*; if not, either our Parliaments must never Repeale any of their former Acts (which yet they have justly and wisely done) or else in so doing must run Counter to the *light of nature*, and the *Rules of iust policy*; which to think were an impiety to be punished by the Iudge.

Sect. V.

THe Second Argument for the defence of Episcopall government, is from the *Pedigree of this holy Calling*, *which he derives from no lesse than an Apostolicall, and in that, right divine institution*; and assayes to prove it from the practice of the Apostles; and as he saith, the *cleare practice of their Successors, continued in Christs Church to this very day*: and to this Argument he so much confides, that he concludes it with this *Triumphant Epiphonema*, *What scruple can remain in any ingennous heart? And determines, if any continue yet unsatisfied, it is in despight of reason, and all evidence of History, and because he wilfully shuts his eyes, with a purpose not to see the light. Bonaverba.* Pag. 19, 20. Pag. 21.

By your favour Sir, we will tell you notwithstanding the supposed strength of your argumentation, there is one scruple yet remaining, and if you would know upon what ground, it is this, because we finde in Scripture (which by your own Confession is *Originall Authority*) that Bishops and Presbyters were *Originally* the same, though afterwards they came to be distinguished: and in processe of time, Episcopacy did swallow up all the *honor* and *power* of the *Presbytery*; as *Pharaohs* lean Kine did the fat. Pag. 8.

Their Identity is discernable, first, from the same names given unto both; secondly from the same office designed unto both in Scripture. As for the names, are not the same names given unto both in sacred Writ? Let the fifth, sixth, and seventh verses of the first Chapter to *Titus* testifie: in the fifth verse, the Apostle shews that he left *Titus* in Creet to ordaine Elders in every City: in the sixth

sixth verse, he gives a delineation of the persons that are capable of such Ordination: and in the seventh, the Reason, why the person to be ordained, must be so qualified; *for a Bishop, &c.* Now if the Bishop and Elder be not here the same, but names of distinct office and order, the Apostles reason rendred in the seventh verse of his direction in the fift and sixt verses, is (with reverence be it spoken) inconsequentiall, and his demand unjust. If a Chancellor in one of the Universities should give Order to his Vicechancellour to admit none to the decree of Batchelour in Arts, but such as were able to *preach*, or keepe a Divinity Act; *For Batchelours in Divinity must be so*; what reason or equity were in this? So if *Paul* leaving *Titus* as his *Locum tenens*, as it were in Creet for a season, should give order to him not to admit any to be an *Elder* but one thus and thus qualified, because a Bishop must be so: Had a Bishop been an Order or Calling distinct from, or superiour to a Presbyter, and not the same, this had been no more rationall or equall then the former; therfore under the name of Bishop in the seventh verse the Apostle intends the Elder, mentioned in the fift verse. Consonant to this is the Language of the same blessed Apostle, *Acts* 20. verse 17. 18. where such as in 17 verse he calls πρεσβυτερους, *Elders* in the 28. he calls ἐπισκοπους, in ordinary English, *Bishops*, though our Translation there, (we know not for what reason) reads it *Overseers*; not so rendring the word in any other Text.

And though this Remonstrant undertakes to shew a cleare and received distinction, of *Bishops, Presbyters*, and *Deacons, as three distinct subordinate Callings in Gods Church, with an evident specification of the duty & charge belonging to each of them; or els let this claimed Hierarchy be for ever hooted out of the Church:* Yet let us tell him, that we never find in Scripture these 3 Orders, *Bishops, Presbyters* & *Deacons*, mentioned together: but onely *Bishops* & *Deacons*, as *Phil.* 1. and 1 *Tim.* Nor do we finde in Scripture any *Ordination* to the office of a *Bishop*, differing frō the *Ordination* of an *Elder:* Nor do we finde in Scripture, the

Pag. 24.

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3

the *ſpecification* of any *Duty* charged upon a *Biſhop*, that *Elders* are ſecluded from: Nor any *qualification* required in a *Biſhop*, that is not requiſite in *every Presbyter*; ſome of which, if not all, would be found, were they not the ſame.

But if this *Remonſtrant* thinke to helpe himſelfe by taking Sanctuary in *Antiquity* (though we would gladly reſt in *Scripture*, the Sanctuary of the Lord) yet we will follow him thither, and there ſhew him that *Hierome* from the Scriptures proves more then once, *Presbyters* and *Biſhops* to be the ſame. And *Chryſoſtome* in *Philip.* 1. *Homil.* 2. with his admirer *Theophilact in Philip.* 1. affirmes that while the Apoſtles lived, the Names *of Biſhops and Presbyters* were not diſtinguiſhed: and not only while the Apoſtles lived, but in after ages. Doth not *Irenæus* uſe the name of *Biſhops* and *Presbyters* ἀδιαφόρως, in a promiſcuous ſence. Are not *Anicetus*, *Pius*, *Hyginus*, *Teleſphorus*, *Sixtus*, whom the Papiſts call *Biſhops*, and the *popes predeceſſors*, termed by *Euſebius presbyters*? Nor was it ſtrange in the primitive times to heare *Biſhops* called *presbyters*, when Presbyters writing to their Biſhops have called him *Frater*. So *Cyprian* (*Epiſt.* 26. in the beginning) is ſtiled by his Presbyters, Deacons and confeſſors, nor was that holy Martyr offended with that title, nor they condemned of inſolency that uſed it.

Hierony. Ep. ad Euag. & ad Ocea.

Iren. adver. har. l. 4. *cap.* 43. 44.

Hiſt. Lib. 5. *Cap.* 23.

But what ſhould we burthen your patience with more teſtimonies? when the evidence of this truth hath ſhined with ſo ſtrong a beame, that even our *Adverſaries* have ſtooped to it, and confeſſed that their *Names* were the ſame in the Apoſtles time. But yet ſay they, the *Offices* were diſtinct.

Bellarm. de Cleric. Lib. 1. *cap.* 15.

Now here wee would gladly know, what theſe men make the diſtinct Office of a Biſhop.

Is it to edifie the Church by word and Sacrament? is it to ordaine others to that worke? is it to rule, to governe, by admonition and other cenſures? if any of theſe, if all theſe make up the proper worke of a Biſhop; we can prove from Scripture that all theſe belong

unto the Presbytery, which is no more then was granted by a Councell [a].

[a] *Presbyter is sicut Episcopis Dispensatio Mysteriorum Dei commissa est: Presunt enim Ecclesiæ Christi: in Consecratione Dominici corporis & sanguinis, consentes sanctum Episcopis: & studiosi in Doctrina Populorum & in assiduo prædicandi: ex solum propter auctoritatem, summo Sacerdoti Clericorum Ordinatio reservata est: Concil. Aquisgran. primum, Can. 8.*

Evangelium tribuit his qui præsunt Ecclesiæ Mandatum docendi Evangelii, remittendi peccata, administrandi Sacramenta: præterea jurisdictionem; videlicet Mandatum Excommunicandi eos quorum nota sunt crimina, & Resipiscentes rursum absolvendi: Ac Omnium Confessione, etiam adversariorum liquet, hanc potestatem Jure Divino communem esse Omnibus qui præsunt Ecclesiæ, sive Pastores vocentur, sive Presbyteri, Sive Episcopi. Scriptum Philip. Melanch. in Conventu Smalcald. Anno 1540. a præcipuis illarum Ecclesiarum Doctoribus communi Consensu comprobatum de potestate & jurisdictione Episcoporum.

1. For the first, Edifying of the Church by word and Sacraments, though we feare they will some of them at least scarce owne this as *their proper worke* (for some have beene cited into the *High Commission* for saying, it belongs to them) yet Sir we are sure, Scripture makes it *a part*, a *chiefe* of the Episcopall office; for so in the 1 *Pet* 5. 2. they are said to doe the worke of a Bishop, when they doe feede the flocke of God. And this is such a worke as *we* hope their *Lordships* will give the poore Presbyters leave to share with them in: or if not, we will tell them that the Apostle *Peter* in that forecited place, and the Apostle *Paul, Acts.* 20. binds this worke upon our hands, and *Woe unto us if we preach not the Gospell.*

ἐπισκοπὴ. πρωτεῖον.

But this branch of Episcopall and Presbyteriall office we passe with brevity, because in this there lies not so much controversie as in the next; which they doe more wholly *Impropriate* to themselves: the power of Ordination.

Which power, that it was in former times in the hands of Presbyters appeares 1 *Tim.* 4. 14. *Neglect not the gift which was given thee by Prophesie, and by the laying on of the hands of the Presbytery.* The gift here spoken of is the Ministeriall gift, the exercise whereof, the Apostle exhorts *Timothy* not to neglect, which saith he, he had received,

not

not by the laying on of the hands of one ſingle man, whether *Apoſtle*, or *Biſhop*, or *Presbyter*; But τὸ πρεσβυτέριον the Presbytery, that is, the *whole company* of Presbyters, for in that ſenſe onely wee finde τὸ πρεσβυτέριον taken in Scripture, as in *Luke* 22. verſ. 66. *Act.* 22. verſ. 5. which the Chriſtian Church called the *Eccleſiaſticall Senate*, as *Jerom* in *Iſay* 3. *Nos habemus in Eccleſia Senatum noſtrum, Cœtum Presbyterorum*, & an *Apoſtolicall Senate*: συνέδριον Ἀποστόλων *Ignatius Epiſt. ad Magnes*: and ſome times πρεσβυτήριον, *Concil. Ancyr. Can.* 18.

Jerom. Iſa. 3.

Igna. Epiſt. ad Magnes.

Conc. Ancyr. Can. 18.

And though the Apoſtle in his ſecond Epiſtle to *Tim.* 1. 6. makes mention of the laying on of his hands; yet to maintaine the Harmony of Scripture, it muſt not be denied, but there was impoſition of hands by the Presbytery, as well as by himſelfe, & ſo it was a joynt act; So that in this there is no more difference then in the former.

And if there be no difference betweene Presbyters in feeding or ordaining, let us ſee if there be any in the third part of their office of *Ruling*, which though our *Biſhops* aſſume wholy to themſelves, yet we ſhall diſcover, that it hath beene committed to and exerciſed by *Presbyteriall* hands.

For who are they of whom the Scripture ſpeakes, *Heb.* 13. 17. *Obey them that have the Rule over you, for they watch for your ſoules, as they that muſt give an account, &c.*

Here all ſuch as watch over the ſoules of Gods people, are intituled *to rule* over them. So that unleſſe *Biſhops* will ſay, that they *only watch* over the ſoules of Gods people, and are *only to give an account* for them: they cannot challenge to themſelves the *ſole rule* over them. And if the *Biſhops* can give us good ſecurity, that they will acquit us from *giving up our account to God* for the ſoules of his people, we will quit our plea, and reſigne to them the ſole rule over them.

So againe in the 1 *Theſſa.* 5. 12. *Know them which labour amongſt you, and are over you in the Lord, and admoniſh you.*

In which words are contained theſe truthes; Firſt that

in one Church (for the *Theſſalonians* were but one Church, 1 *Ca.*) there was not ὁ πρωτεύων: but οἱ πρωτεύοντες; not *one chiefe Biſhop* or *Preſident*, but the *Preſidency was in many*.

2. Secondly, that this *preſidency* was of ſuch as laboured in the word and Doctrine.

3. Thirdly, that the Cenſures of the Church were managed not by one, but by them all in *Communi*. *Them that admoniſh you.*

4. Fourthly, that there was among them a *Parity*, for the Apoſtles bids *know them* in an *Indifferency*, not diſcriminating one from another: yea ſuch was the rule that Elders had, that S. *Peter* thought it needfull to make an exhortation to them to uſe their power with *Moderation*, not *Lording it over Gods Heritage*, 1 Pet. 5. 3.

By this time we have ſufficiently proved from Scripture, that *Biſhops* and *Preſbyters* are the ſame in name, in Office, in Edifying the Church, in power of Ordination and Iuriſdiction; we ſumme up all that hath beene ſpoken in one argument.

They which have the *ſame Name*, the *ſame Ordination* to their Office, the *ſame qualification* for *their Office*, the *ſame worke* to feede the *flock* of God, to *ordaine paſtors* and *Elders*, to *Rule*, and *Governe*; they are one and the ſame Office: but ſuch are *Biſhops* and *presbyters*, *Ergo*.

Sect. VI.

BUt the dint of all this *Scripture*, the *Remonſtrant* would elude, by obtruding upon his reader *a commentary* (as he calls it) of *the Apoſtles own practiſe* (which hee would force to contradict their own rules) to which he *ſuperadds the unqueſtionable gloſſe of the cleare practiſe of their immediate ſucceſſors in this adminiſtration*. For the Apoſtles practiſe, we have already diſcovered it, from the Apoſtles own writings; and for his Gloſſe he ſuperadds, if it corrupts not the Text we ſhall admit it; but if it doe, we muſt anſwer with *Tertullian*, *Id verum quodcunq; primum*

Pag. 20.

Tertull.

mum: id adulterum quod poſterius, whatſoever is firſt is true; but that which is latter is adulterous.

In the examination of this Gloſſe, to avoyd needleſſe Controverſie. Firſt, wee take for granted by both ſides, that the firſt and beſt Antiquitie, uſed the *names of Biſhops* and *Presbyters* promiſcuouſly. Secondly, that in proceſſe of time, ſome one was honoured with the name of *Biſhop* and the reſt were called *Presbyters* or *Cleri*. Thirdly, that this was not *Nomen inane*, but there was ſome kinde of Imparitie betweene him and the reſt of the Preſbyters.

Yet in this we differ; that they ſay, this *Impropriation* of name, and *Imparity of place, is of Divine Right and Apoſtolicall Inſtitution*: we affirme both to be occaſionall, and of humane Invention; and undertake to ſhew out of Antiquitie, both the *occaſion upon which*, and the *Perſons by whom this Imparity* was brought into the Church.

On our parts ſtands *Jerome* and *Ambroſe*, and others, whom we doubt not but our Remonſtrant wil grant a place among his Gloſſators: Saint *Ierome* tells us in 1 *Tit.*

Idem eſt ergo Presbyter qui Epiſcopus: & antequam Diaboli inſtinctu, ſtudia in Religione fierent, & diceretur in populis, ego ſum Pauli, *ego* Apollo, *ego* Cephæ, *Communi Presbyterorum Conſilio eccleſiæ gubernabantur. Poſtquam verò unuſquiſq; eos quos baptizaverat ſuos putabat eſſe, non Chriſti; in toto Orbe decretum eſt, ut unus de Preſbyteris electus ſuperponeretur cæteris, ad quem omnis Eccleſiæ Cura pertineret, & ſchiſmatum ſemina*

A Presbyter and a Biſhop is the ſame: and before there were through the Devils inſtinct, diviſions in Religion, and the people began to ſay, I am of *Paul*, and I of *Apollo*, and I of *Cephas*, The Churches were governed by the Common Counſell of the Presbyters: But after that each man began to account thoſe whom hee had baptized his owne, and not Chriſts; it was decreed thorow the whole world, that one of the Presbyters ſhould be ſet over the reſt; to whom the Care of all the Church ſhould belong, that the

ſeeds

tollerentur. Putat aliquis non Scripturarum, ſed noſtram eſſe ſententiam, Epiſcopum & Presbyterum unum eſſe, & alind ætatis, alind eſſe nomen officii, relegat Apoſtoli ad Philippenſes verba, dicentis, Paulus & Timotheus ſervi Ieſu Chriſti qui ſunt Philippis, cum Epiſcopis & Diaconis, &c. Philippi una eſt urbs Macedoniæ, & certè in unâ Civitate non poterant plures eſſe (ut nuncupantur) Epiſcopi, &c. ſicut ergo Presbyteri ſciant ſe ex Eccleſiæ conſuetudine ei qui ſibi præpoſitus fuerit eſſe ſubjectos; Ita Epiſcopi noverint ſe magis conſuetudine, quam diſpoſitionis Dominicæ veritate Presbyteris eſſe majores, & in Communi debere Eccleſiam regere.

ſeeds of ſchiſme might be taken away. Thinkes any, that this is my opinion, and not the opinion of the Scripture, that a Biſhop and an Elder is the ſame, let him reade the words of the Apoſtle to the *Philippians*, ſaying, *Paul* and *Timothy*, the ſervants of Jeſus Chriſt, to them that are at *Philippi*, with the Biſhops & Deacons. *Philippi* is one City of *Macedonia*, and certainly in one Citie there could not be *many Biſhops* (as they are now called, &c.) and after the allegations of many other Scriptures, he concludes thus; as the Elders therefore may know, that they are to be ſubject to him that is ſet over them by the Cuſtome of the Church; ſo *let the Biſhops know, that it is more from cuſtome, then from any true diſpenſation from the Lord, that they are above the Presbyters, and that they ought to rule the Church in common.*

In which words of *Ierome*, theſe five things preſent themſelves to the Readers view;

1. Firſt, that *Biſhops* and *Presbyters* are originally the ſame; *Idem ergo eſt Presbyter qui Epiſcopus.*

2. Secondly, that that Imparitie that was in his time betweene Biſhops and Elders, was grounded upon Eccleſiaſticall Cuſtome, and not upon divine Inſtitution; *Epiſcopi noverint, &c.*

3. Thirdly, that this was not his private judgement, but the judgement of Scripture; *Putat aliquis, &c.*

4. Fourthly, that before this Prioritie was upon this occaſion

sion started, the Church was governed *Communi Presbyterorum Consilio*, by the Counsell of the presbyters in common, and that even after this imparity, it ought to be so governed; *Sciant Episcopi se Ecclesiam debere in communi regere.*

Fifthly, that the occasion of this Imparity and Superiority of Bishops above Elders, was the divisions which through the Devils instinct fell among the Churches; *Postquam verò Diaboli instinctu.* 5.

Saravia would take advantage of this place, to deduce this Imparity as high as from the Apostles times, because even then they began to say, *I am of Paul, and I of Apollos:* but sure S. *Ierome* was not so weake as this man would make him, to speake Inconsistencies; and when *he propounds* it to himselfe, to prove that *Bishops* and *Presbyters* are in *Scripture* the same, to let fall words that should confute his own proposition: whereas therefore S. *Ierome* saith, that *after men began to say, I am of Paul, and I of Apollos, &c. it was decreed that one of the Presbyters should be set over the rest, &c.* This is spoken indeed in the *Apostles phrase*, but *not of the Apostles times*, else to what purpose is that coacervation of texts that followes?

But suppose it should be granted to be of Apostolicall antiquity (which yet we grant not, having proved the contrary) yet it appeares: it was not of *Apostolicall intention*, but of *Diabolicall occasion*: And though the Divell by kindling Divisions in the Church, did minister *Occasion* to the invention of the primacy or prelacy or one for the suppressing of Schisme; yet there is just cause to thinke, that the Spirit of God in his Apostles was never the author of this Invention.

First, because we reade in the Apostles dayes there were Divisions, *Rom.* 16. 7. and Schismes, 1 *Cor.* 3. 3. & 11. 18. yet the Apostle was not directed by the holy Ghost to ordaine Bishops for the taking away of those Divisions: Neither in the rules hee prescribes for the healing of those breaches, doth hee mention *Bishops* for that end: Nor in the Directions given to *Timothy* and *Ti-*

tus

tus for the *Ordination of Bishops or Elders*, doth he mention this as one end of their *Ordination*, or *one peculiar duty of their office*. And though the Apostle saith, *Oportet hæreses inter vos esse, ut qui probati sunt manifesti fiant inter vos*; yet the apostle no where saith, *Oportet Episcopos esse, ut tollantur hæreses, quæ manifestæ fiunt.*

2. Secondly, because as Doctor *Whitaker* saith, the remedy devised hath proved worse then the disease, which doth never happen to that remedy whereof the holy Ghost is the author.

3. Thirdly, because the holy Ghost, who could foresee what would ensue thereupon, would never ordaine that for a remedy, which would not onely be ineffectuall to the cutting off of evill, but become a stirrup for Antichrist to get into his saddle. For if there be a necessity of setting up one *Bishop* over many *presbyters* for preventing schismes, there is as great a necessity of setting up one *Archbishop over many Bishops*, and one *patriarch over many Archbishops*, and one *pope over all*, unlesse men will imagine, that there is a danger of schisme only among *presbyters*, and not among *Bishops and Archbishops*, which is contrary to *reason*, *truth*, *History*, and our own *Experience*.

And lest our adversaries should appeale from *Hierome* as an incompetent Judge in this case, because a Presbyter, and so a party, we wil therefore subjoyne the judgements of other ancient Fathers who were themselves bishops.

The Commentaries that goe under the name of Saint *Ambrose* upon *Ephes.* 4. mention another occasion of this Discrimination or priority; and that was [a] the increase and dilatation of the Church, upon occasion whereof they did ordaine rectors or Governours, and other officers in the Church; yet this he grants, that this did differ from the former orders of the Church, and from apostolicall Writ.

[a] *At ubi omnia Loca Circumplexa est Ecclesia, Conventicula constituta sunt: & caperunt Rectores: & Cætera Officia in Ecclesia sunt ordinata. Cepit aliter ordine & Providentia gubernari Ecclesia. Ideo non per omnia conveniunt Scripta Apostoli ordinationi quæ nunc in Ecclesia est, quia hæc inter ipsa primordia scripta sunt. Nam & Timotheum à se Presbyterum Creatum Episcopum vocat, &c. Sed quia caperunt sequentes Presbyteri indigni inveniri ad prioratus tuendos, immutata est ratio,* &c.

And

And this Rectorship or Priority was devolved at first from one Elder to another by Succession, when hee who was in the place was removed, the next in order among the Elders Succeeded. But this was afterwards changed, and that unworthy men might not bee preferred, it was made a matter of election, and not a matter of Succession. Thus much we finde concerning the occasion of this imparity, enough to shew, it is not of Divine Authority.

For the second thing, the persons who brought in this Imparity, the same Authours tells us: the Presbyters themselves brought it in; witnesse *Hierome ad Evag. Alexandriæ Presbyteri unum ex se electum in excelsiori gradu collocatum, Episcopum nominabant, quomodo si exercitus Imperatorem faceret, aut Diaconi de se Archidiaconum.* The Presbyters of *Alexandria* did call him their *Bishop*, whom they had chosen from among *themselves*, and placed in a higher degree, as if an army should make an Emperour, or the Deacons an Archdeacon. *Hieron. ad Evag.*

Ambrose upon the fourth of the *Ephesians* tells us, it was done by *a Councell*, and although he neither name the Time nor place of the *Councell*, yet ascribing it to a *Councell* hee grants it not to be Apostolicall: this gave occasion to others to fixe it upon Custome as *Hieronym.* in *Tit.* and *August. Epist. 19. secundùm honorum vocabula quæ Ecclesiæ usus obtinuit Episcopatus Presbyterio major est.* And had that ἀρχὴ or Prelacie had the Seale and confirmation of *Divine* or *Apostolicall Authority*, *Gregory Nazianzene* would never in such a Patheticke manner have wished the Abolition of it, as hee doth in his 28. Oration. *Ambros. ubi prius.* *Grego. Naz. Orat. 28.*

And now *where is that acknowledgement, and conveyance of Imparitie and Iurisdiction which* saith this Remonstrant *was derived from the Apostles hands, and deduced in an uninterrupted line, unto this day: where is it?* we find no such *Imparity delivered from Apostolicall hands*, nor *acknowledged* in Apostolicall writings; yet had there *beene such an acknowledgement and conveyance of imparity*: how this should have *Pag. 21. 22.*

beene deduced to us in an uninterrupted Line, wee know not, unlesse our *Bishops* will draw the Line of *their Pedigree* through the *loynes of Antichrist*, and *joyne issue*, and *mingle blood with Rome*: which it seemes they will rather doe then lose this plea for their *regnum regnula*: *their tyrannicall prerogative*, as *Nazianzen* calls it.

Greg. Nazi. vbi prius.

Suffer us therefore humbly to appeale to your Honours, whether this Remonstrant hath not given sentence against himselfe, who is so confident of the Evidence of his cause, that he doth not feare to say, if there can be better *Evidence under Heaven for any matter of fact then there* is for his Episcopacy: Let EPISCOPACY BE FOR EVER ABANDONED OVT OF THE CHVRCH OF GOD.

Pag. 22.

SECT. VII.

YEt it seemes himselfe in the height of his confidence was not without Jelousies, of some thing might be spoken against his Cause, therefore he seemes to heare, what is spoken against it.

Pag. 23. *That the Apostles Bishops and ours are two: there was no other then a Parochiall Pastor, a Preaching Presbyter without inequality, without any Rule over his brethren. Ours claime an eminent Superiority, and a power of Ordination and Iurisdiction unknowne to the Primitive times.*

That this which hee suppoeth hee heares us say is Scripture Truth we have shewed already, &c. that there *was a parity between Presbyters and Bishops*: *and that eminent superioritie and power of Ordination and Iurisdiction which our Bishops claime*, was unknowne to Scripture, and are now prepared by *Gods assistance* to prove, it was unknowne to primitive times.

Pag. 23. But how doth this Remonstrant meete with this Reply: ALAS ALAS HOVV GOOD PEOPLE may be abused by misinformation! It seemes the man Judged this Reply so poore as in his thoughts it was more worthy of his *pitty*, then *of his paines* to answer, or rather knew there

there was more in this Reply, then hee knew how to answer, and therefore waves it with his *Rethoricke*.

And this we rather thinke, because hee knowes but little in *Antiquity*, that knowes not, that there is so vast a difference betweene our Bishops, and those that were not onely in the Apostles dayes (whom wee have proved to be undistinguished from Presbyters) But those Bishops that were in the Church 400 yeares after, when there began to bee some discrimination, that *Episcopacy* may well be likened to the Shippe *Argo*, that was so often repaired, as there was nothing left of the *First Materialls*; yet stil it challenged *the first Name*.

Which difference we spread before your Honours in three particulars: first in point of Election to their office; secondly, in point of Execution of their office; thirdly, in point of state-Imployment.

First (having discovered already upon what *occasion* this priority began to have existence in the Church, and from whom it first received its being, not from *God* but from *Consent* and *Custome* of the *Churches*, according to *Ambrose*, *Ierom*, *Augustine*, &c.) Wee come now to Declare what was the manner of Election unto this Priorities in these times, and to shew first, how therein these Bishops did differ from ours: for all their Elections were ordered by the privity, consent, and approbation of *the people*, where the *Bishops* was to serve. Were there no other Authours to make this good, *Cyprian* alone would doe it, among other places let his 68. Epistle witnesse, where he saith * *plebs Maxime habet potestatem, &c.* The people specially have power either of chusing worthy Priests, or rejecting the unworthy: for this is derived from *Divine Authority*, that the Priests should bee chosen in the presence of the people, before all their eyes and

* *Plebs ipsa Maximè habet potestatem vel Eligendi Dignos Sacerdotes, vel indignos recusandi, quod & ipsum Videmus de Divina Authoritate descendere: ut Sacerdos plebe presente sub omnium oculis deligatur, & dignus atque idoneus publico Iudicio ac testimonio comprobetur.* By Priests the Authour here understands Bishoppes, as the whole Series of the Epistle shewes.

approved

approved as fit and worthy by their publike vote and Testimony. This hee proves by the Testimonie of Sacted writ both Old and New. Where wee observe first,

1. that the speciall power of Judging of the worthinesse or unworthinesse of a man for the Prelacy was in the breast

2. of the People. Secondly, the speciall power of chooſing or rejecting to his place according as they Judged him worthy or unworthy resided in the People. *Plebs maxi-*

3. *mè Habet potestatem, &c.* Thirdly, that this power did descend upon the People *De Divina Authoritate.*

Nor was this the Judgement of one Sole man, but of an *African* Synod consulted by the Spanish Churches in point of Election, as the inscription of the Epistle shewes.

a Κατὰ δὲ τὰς ἐκκλησιαστικὰς κανόνας, καὶ κατὰ τὸ τῶν ἀποστόλων ῥῆμα,— πάντως χειροτονεῖσθαι ἐξ ἐπιδόσεως τοῦ, καὶ συνεχθῆναι, παρόντων τῶν ἀξίων τοῦ λαοῦ καὶ κληρικῶν ——— τοῦτο δὲ τὰς μὲν ἐκκλησιαστικὰς καταλύσει, τὰ δὲ ἴδια βλασφημεῖν ἀναγκάζει. *Athanas. Epist. ad Orthodoxos.*

a But *The Obtrusion of a Bishop upon the Church of Alexandria* without the Presence, desire and vote of the Clergie or People is Condemned by *Athanasius* not onely as a breach of Canon, but as a Transgression of Apostolicall prescript, and that it did compell or necessitate the heathen to blaspheme.

Nor did onely *Christian Bishops*, but *Christian Princes* acknowledge the Right and power of Election of Bishops to be in the People; so that *admired Constantine* the great Promover and Patron of the peace of the *Christian Church*, writing to the Church of *Nicomedia* against *Eusebius* and *Theognius*, tells them the ready way to lay asleepe the Tumults that did then disturbe the Church about the Election of a Bishop was, *si modo Episcopum fidelem & integrum nacti fuerint, quod quidem in praesentia in vestrâ situm est potestate, quodque etiam dudùm penes vestrum Judicium fuerat, nisi Eusebius de quo dixi prave eorum, qui eum juverunt Consilio hâc praecepsi ruisset & rectum Eligendi Ordinem impudenter conturbasset. Gelas in Act. Concil. Nicen. part.* 3. if they would get a faithfull and upright Bishop which

which saith he, is in *your power presently to doe*; and was long agoe, if *Eusebius* with the ayd of his faction, had not rushed in upon you, and impudently disturbed the *right Order of Election.*

That which this sacred Emperour calls the *right order of Election*; what is it but the Election by the people? in whose power, he saith, it then was and long had beene to choose a *Bishop*: and by whose power the next *Bishop* was chosen. So the same Author tells us, that after *Eusebius* and *Theognius* were cast out of their severall seats for *Arianisme*, by the Councell of *Nice*, others were appointed in their roomes by the *Clergy and people* of each Diocesse. *Idem ubi supra.*

To this Election in *Nicomedia*, wee could (if it were needfull in so cleare a Truth) adde many the like Presidents of popular Elections; which for brevities sake, we passe over. Not questioning, but that which hath beene spoken, is sufficient to informe the intelligent Reader, that our Bishops and the Bishops of former times, are Tvvo *in point of Election.* *Cyprian, Cornelius, Athanasius*, and others.

Sect. VIII.

A Second thing wherein we have undertaken to *shew*, that our *Bishops* and the *Bishops* of former times, are Tvvo, is in the Execution of their Office: and here there are three things, wherein he that will not *wilfully shut his eyes against all light*, may see a Latitude of *difference* betweene ours and former Bishops. First, in that *Sole Iurisdiction* which our Bishops assume to themselves. Secondly, in the *Delegation* they make of the *power of exercising* this Iurisdiction unto others. Thirdly, in the *Way of the exercise of that power.*

For the first of these, *Their sole Jurisdiction*; That our *Bishops* assume this to themselves, it is *knowne* and *felt*, and that this *Sole Iurisdiction* was a *stranger*, a *Monster* to former times, wee shall now prove, and make cleare, that the power of *Ordination*, *Admonition*, *Excommunication*, *Abso-*

Absolution, was not in the hands of any sole man.

Cypr. Epist. 33. First, for *Ordination*, *Cyprian* in his exile writing to his Charge, certifies them, that *Aurelius was ordained by him and his Colleagues, who were present with him*; who were these Colleagues, but his Presbyters? as he himselfe expounds it, writing to *Lucius* in his owne name, and the *Epist. 58.* name of his Clergie and people, *Ego & Collega & fraternitas omnis, &c.* I and my Colleagues and my whole people send these Letters to you, &c. So that it is cleare in *Cyprians* time, *Presbyters* had a hand in *Ordination*, and *Bishops* did not Ordaine alone. *Firmilianus* saith of them *apud Cypr. Epist. 75.* that rule in the Church, *Quod baptizandi, MANUM IMPONENDI ET ORDINANDI, possident potestatem.* And who those be, he expresseth a little before, *SENIORES & Praepositi*: by whom the *Presbyters* as well as the *Bishops* are understood.

And as these places prove, that *Bishops* in the Primitive time, could not ordaine alone without the *Presbyters*; so there are that give us light to understand, that the *Presbyters* might ordaine without the *Bishop*. The Author of the Comment upon the *Ephesians*, that goes under the name of *Ambrose*, saith, *Apud Aegyptum Presbyteri consignant, si praesens non sit Episcopus*, *In Egypt the Presbyters ordaine, if the Bishop be not present*, so saith *Augustine* in the same words; and the Chorepiscopus, who was but a Presbyter, had power to impose hands, and to ordaine within his precincts, with the Bishops Licence. Now *Licences* conferre not a *power* to him that hath it not, but onely *a facultie to exercise that power he hath.*

Cuncta divino non sint diversa gradu Episcopi et Pastores: Manifestum est ordinationem in sua Ecclesia factam IVRE DIVINO RATAM esse. Itaque cum Episcopi ordinarii fiant hostes Ecclesiae aut nolunt ordinationē impertire, Ecclesia retinet jus suum. Melanch. ubi supra, pag. Concil. Antioc. Can. 10. & Ancyr. Can. 13.

The Iniquitie of our times hath beene such, that a Minister may not *Preach* to his owne flocke, without a *Licence*: doth this Licence *make a man a Minister*, and give him *power to preach*, or onely a *facultie* and *libertie* to exercise that power? Should a Bishop give a *Laike* a *Licence* to preach, or to ordaine, doth that Licence make him a Minister, or a Bishop? Sure all will say, no: why? because in the Laike there is not *Actus primus*, the roote and principle of that power, which Licence onely opens a way

a way to the exercise of; and therefore that must bee concluded to be in those Chorepiscopi, or Presbyters, by vertue of their place and calling, and not by vertue of a Licence. So that the *power of Ordination* was so farre from residing in the *Bishop* alone, as that the *Presbyters* and *Chorepiscopi* had power to ordaine as well as he.

Neither was this onely a matter of *Ecclesiasticall Custome*, but of *Ecclesiasticall Constitution*, which binds the *Bishop*;

First, in all his Ordinations to consult with his Clergy; *Ut Episcopus sine Consilio Clericorum suorum Clericos non ordinet*; *That the Bishop shall not ordaine a Clergy man without the counsel of the Clergy*; this was *Cyprians* practice, *Epist.* 33. *Concil.* 4. *Carthag. Can.* 22.

Secondly, in his Ordinations to take the concurrent assistance of his Presbyters; *Cum ordinatur Presbyter, Episcopo eum benedicente, & manum super caput ejus tenente, etiam omnes Presbyteri qui praesentes sunt, manus suas juxta manum Episcopi super caput illius tenent*; When a Presbyter is ordained, the Bishop blessing him, and holding his hand upon his head, *all the Presbyters* that are present, shall likewise lay their hands upon his head, with the hands of the Bishop. In which Canon, we have the unanimous vote of two hundred and fourteene Bishops, declaring that the power of *Ordination* is in the hands of Presbyters as well as Bishops. 2. *Ibid. Can.* 3.

And whereas it may be objected, that *Hierome* and *Chrysostome*, affirming Bishops to differ from Presbyters in the power of Ordination; seeme to imply, that that power is soly theirs: Here we desire it may be observed; *Hieronym. in Epist. ad Evag.* *Chrysost. Hom.* 11. *in* 1 *ad Tim.*

First, that these Fathers put all the difference that lyes betweene Bishops and Presbyters, to be in point of Ordination. *Quid facit Episcopus, quod non facit Presbyter excepta Ordinatione.* And therefore *Chrysostome* himselfe confesseth, that in his dayes there was little or no difference between a Bishop and a Presbyter. *Inter Episcopũ et Presbyterũ interest fermè nihil, &c.* *Chrysost.* upon the 1 *Tim.*

Secondly, That this difference is not so to be understood, as if these Fathers did hold it to be by divine right (as *Bellarmine* and our Episcopall men would make us beleeve) but by a humane constitution. And therefore they doe not speak *De jure*, but *de facto*, *Quid facit, &c.* not *quid debet facere*. And this *Hierom* confesseth. So *Leo prim. ep.* 88. upon complaints of unlawfull Ordinations, writing to the Germane and French Bishops, *Libro de septem Ordinibus.*

shops reckons up what things are reserved to the Bishops, Among which he set down *Presbyterorum & Diaconorum consecratio*, and then adds, *Quæ omnia solis debent summis Pontificibus Authoritate Canonum præcipitur*: So that for this power of Ordination, they are more beholden to the Canon of the Church, then to the Canon of Gods Word.

Concil. Aquisgra. 1. Can 8. Solum propter authoritatem Clericorum ordinatio et consecratio reservata est summo Sacerdoti.

Thirdly, we answer that this very humane difference was not in the Primitive Antiquity. It was not so in *Cyprians* time, as we even now shewed. And when it did prevaile, it was but a particular custome (and sometimes usurpation) of some Churches. For it was otherwise appointed in the Councell of Carthage, and in Egypt, and other places, as is declared in the former part of this Section; And even in *Chrysostomes* time, it was so little approved of, that it was one great accusation against *Chrysostome* himselfe, *That hee made Ordinations without the Presbytery, and without the consent of his Clergie*. This is quoted by Bishop *Downam, lib.* 1. *cap.* 8. *pag.* 176.

Sect. IX.

NOr had the *Bishop* of former times more right to the power of *sole Jurisdiction*, then of *sole Ordination*: And here we have *Confitentem reum*, our very Adversaries confesse the Votes of Antiquity are with us.

Bilson. Spalat. Franc. à Sancta Clara.

Cyprian professeth, that *hee would doe nothing without the Clergie*; nay, *he could doe nothing without them*; nay, *hee durst not take upon him alone* to determine that which of *right did belong to all*: and had hee or any other done so, the fourth Councell of Carthage condemnes the Sentence of the Bishop, as *Irrita nisi Clericorum sententiâ confirmetur*.

Cyp. Epist. 6. & 28. 18.

Concil. 4. Carthag. Can. 23. Vid Ruff. Hist. lib. 10. cap 9. Soz. l. 2. c 23. Possidon. de vita Aug. c. 4. Orig. Hom. 11 in Exo. pag 97.

Would yee know the particulars, wherein the Bishops had no power of Judicature without their Presbyters.

First, in judging and censuring Presbyters themselves, and their Doctrine; For this the Canon Law in *Gratian* is full and cleare: *Episcopus non potest Judicare Presbyterum vel Diaconum sine Synodo & Senioribus*: Thus *Basill* counselled and practised, *epist.* 75. So *Ambr. lib.* 10. *epist.* 80 *Cyrill in epist. ad Iohannem Antiochen.* Thus *Gregory ad Iohan. Panormitan. lib.* 11. *epist.* 49.

1 Decret. part. 2 Can. 15 que. 7. Per totum & parte 1 Dist. 93. cap. 5. 6.

2 Clem. Alex. Stromat. lib. 7.

Secondly, in judging of the Conversation or Crimes of any of the members of the Church: *Penes Presbyteros est Disciplina quæ facit homines meliores*; That Discipline that workes *emendaion* in men, is in the power of the

Elders

Elders. And therefore when any was questioned in point of conversation, hee was brought, saith *Tertullian*, into the *Congregation* where were *Exhortations*, *Castigations*, and *Divine censures*: And who had the chiefe stroke in these Censures, he tells us after; *Præsident probati quique seniores*; *All the approved Elders sit as Presidents*. *Tertull. Apol. adverſ. Gent.*

And those centures that passed by the whole Presbytery were more approved by the *Church* in Ancient times, then such as were passed by one man; for wee finde that when *Syagrius* and *Ambrose* passed Sentence in the same case, the *Church* was unsatisfied in the Sentence of *Syagrius*, because he past it *sine alicujus fratris consilio*, without the counsell or consent of any of his *Brethren*. But were pacified with the sentence of Saint *Ambrose*: because, saith hee, *Hoc Judicium Nostrum cum fratribus & consacerdotibus participatum processerit*. *Ambros. Epist. ad Syagrium.*

Nor was there any kinde of censures that the Bishops did administer alone: Admonitions were given by the *Elders*; *Augustine* tells us the Elders did admonish such as were offenders; to the same purpose speakes *Origen contra Celsum. Lib.* 3. *Aug. de verb. Apost. Ser.* 19.

[a] So excommunication, though that being the dreadfullest thunder of the Church, and as *Tertullian* calls it, *summum præjudicium futuri Judicij*, the great fore-runner of the Judgement of God, was never vibrated but by the hand of those that laboured in the Word and Doctrine: yet was no one man in the Church invested with this power more then another.

Therefore saith [b] *Hierom*; *Presbytero si peccavero licet me tradere Satanæ in interitum carnis*. If I sinne, a Presbyter (not a Bishop onely) may deliver me to Satan, to the destruction, &c. where the Reader may please to take notice that Saint *Hierom* speakes not of one particular Presbyter, but of the Order of *Presbyters*.

The same S. *Hierom* saith againe, *Sunt quos Ecclesia reprehendit, quos interdum abjicit, in quos nonnunquam Episcoporum & Clericorum censura desævit*. There be some whom the Church reprooves, and some which shee casts out;

[a] *Constat, Jurisdictionem illam excommunicandi reos manifestorum criminum pertinere ad omnes Pastores, hanc ad se solos tyrannicè transtulerunt, & ad quæstum contulerunt Episcopi, Melanc. ubi sup.*

[b] *Hieron. Epist. ad Heliodor.*

Ep. ad Demet.

against whom the censures of *Bishops and Presbyters* sharply proceed; where we see, the Censures whereby wicked men were cast out of the Church, were not the sole hands of the Bishops, but likewise in the hands of Presbyters.

Syricius Bishop of *Rome* signifies to the Church of *Millaine*, that *Iovinianus*, *Auxentius*, *&c.* were cast out of the Church for ever, and he sets downe how they did it, *Omnium Nostrum tam Presbyterorum quam Diaconorum, quam totius etiam cleri sciscitata fuit sententia.* There was a concurrence of all Presbyters, Deacons, and the whole Clergie in that sentence of Excommunication.

Ambros. lib 10 Epist. 80.

The truth herein may be further evidenced by this, because the whole Clergie as well as the Bishops imposed hands upon such, as repenting were absolved: *Nec ad communicationem* (saith *Cyprian*) *venire quis possit, nisi prius ab Episcopo & Clero Manus illi fuerit imposita: No man that hath beene excommunicated might returne to Church-Communion, before hands had been laid upon him by the Bishop and Clergie.*

Cypr. Epist. 12. And this was the custome saith *Cyprian* in *minoribus delictis.*

Also writing to his Clergie concerning lapsed Christians, he tells them, *Exomologesi facta & manu eis a vobis in poenitentiam imposita, &c.* that after confession and the *laying on their hands*, they might be commended unto God: so when certaine returning from their heresie were to be received into the Church at *Rome* in the time of *Cornelius*, they came before the *Presbyterie*, and therefore confessed their sinnes, and so were admitted.

Cypr. Epist 46. vide etiam Cypr Epist. 6.

But though the sentence of Excommunication was managed onely by the hand of those that laboured in the Word and Doctrine, yet we will not conceale from you, that neither Excommunication nor absolution did passe without the *knowledge and approbation* of the body of the Church, to which the Delinquent did belong.

Tertul. Apol. advers Gent. cap. 39.

So we have learned out of *Tertullian*, that their censures were ordered in their publike assemblies; and good reason, because the people were to forbeare communion with such. 2 *Thes.* 3. 6, 14, 15. and publick Censures of the

the Church were inflicted not onely for the Emendation of delinquents, but for the admonition of others, and therefore ought to be administred in publick that others might feare. 1 *Tim.* 5. 20. *Origen* speaking of the Duty and Power of the Church in cutting off a scandalous Person though a Presbyter: making the case his owne he saith thus: *In uno consensu Ecclesia universa conspirans excidat me dextram suam & projiciat a se, He would have the consent of the whole Church in that Act.* *Origen. Hom. 7. in Josh.*

And when the lapsed Christians were received againe into the Church, the Peoples consent was required therein; else why should *Cyprian* say, *Vix plebi persuadeo imò extorqueo ut tales patiantur admitti:* I can scarce perswade the people to suffer such to be admitted: and in another Epistle written to his people in his Banishment, he promiseth to examine all things, they being present and judging. *Examinabuntur singula præsentibus & judicantibus vobis.* *Cypr. Epist. 55.* *Cypr. Epist. 11. ad plebem.*

But of this power of the People wee shall have a further occasion to speak afterwards, when we come to discourse of *Governing Elders.*

Onely may it please your Honours from hence to take notice, how unjustly our Bishops have invaded this right and power of Presbyters and people in Church censures, and devesting both of it, have girt it wholly upon themselves, and how herein they and the Bishops of former times are TWO.

SECT. X.

AND as our Bishops, and the Bishops of former times are TWO in point of *Sole Jurisdiction*, so also in the *Delegation* of this power of *Iurisdiction* unto others: to their Chancellours, Commissaries, Officers, &c. Was ever such a thing as this heard of in the best primitive Times? that *men that never received Imposition of hands*, should not onely be received into assistance, but be *wholly intrusted with the power of Spirituall Jurisdiction:* Even

a *Indecorum est Laicum vicarium esse Episcopi, & seculares in Ecclesiâ judicare: in uno enim eodemque opere non decet dispar professio quod etiam in lege Divina prohibetur dicente Mose, Non arabis in bove & asino simul, Concil. Hispal. 2.*

 then

then when it is to be exercised over *such persons as have had hands laid upon them.*

We may observe in *Cyprian*, whilst persecution separated him from his Church, when questions did arise among his people, he doth not send them to his Chancellour or Commissarie; No, he was so farre from substituting any man (much lesse a *lay man*) to determine or give Judgement in such cases, that hee would not assume that power wholly to himselfe, but suspends his Judgement, till the hand of God should restore him to his Church againe, that with the advice and Counsell of the Presbyters, he might give sentence: as may appeare to any that shall peruse his Epistles.

Sure if God had ever led his Church to such a way of deputation, it would have been in such a case of Necessity as this was: or had any footsteps of such a course as this beene visible by this holy Martyr in the goings of former ages, hee needed not have deferred the determination of the question about the receiving of some penitent lapsed ones into the bosome of the Church againe, till his returne and the returne of his Clergie, as he doth.

Cyp. Epist. 28. We will instance in his 28 Epistle, wherein giving direction for the excommunicating of such as would rashly communicate with lapsed Christians, he gives this charge not to his *Chancellor or Commissarie*, or any other man upon whom he had devolved his power, and set him as his *Deputie or Vicar generall* in his absence, but *ad clerum*, to the whole Presbyterie.

Downam in the defence of his Sermon, *lib.* 1. *cap.* 8. This Truth is so cleare, that Bishop *Downam* the great Advocate of Episcopacie confesseth, that in *Ambrose* his time, & a good while after (which was about 400 yeers) til the Presbyters were in a manner wholly neglected, the Bishops had no *Ordinaries*, *Vicars*, *Chancellors*, or *Commissaries*, that were not *Clergie-men*: but this is but a *blind*, wherewith the Bishop would Dorre his Reader, for wee challenge any man to produce the names of any *Clergie-man* that was Vicar to *Ambrose*, or Chancellour to *Augustine*, or any other of the Bishops of these times;

so

so that herein our Bishops and theirs are T w o.

Sect. XI.

A Third branch wherein the difference betweene our Bishops, and the Bishops of former times, in point of Exercising their Jurisdiction, is visible, is the *way* or *manner* of exercising that power.

For brevities sake we will onely instance in their proceedings in Causes Criminall; where let them tell us, whether any good *Antiquity* can yeeld them one President for Their Oath Ex Officio, which hath been to their Courts, as *Purgatory fire to the Popes Kitchin:* they have forgotten that old Maxime in the Civill Law, *Nemo tenetur prodere seipsum*, which as it is grounded upon naturall equity, so it is confirmed by a Law enacted by *Diocletian* and *Maximilian*, *Nimis grave est quod petitis, &c. It is too grievous that the adverse part should be required to the exhibition of such things as should create trouble to themselves. Understand therefore that you ought to bring proofes of your intentions, and not to extort them from your adversaries against themselves.* Cod. li. 4. Tit. 20. L. 7.

Shall the Lamp of Nature in the night of Ethnicisme enable Heathen Princes, (yea Persecutors) to see and enact thus much, and shall not the glorious Sunne of the Gospell convince these of their iniquities in transgressing this Law, that call themselves *the Fathers of the Church?*

If neither the *light of Nature*, nor *Gospell light* can, yet the Custome of the Church, to which they so oft appeale, may both convince them of this iniquitie, and discover to all the world the contrarietie of their proceedings, to the proceedings of former times, in this particular.

For *of Old*, both the Plaintiffe and Defendant were brought face to face, before the parties, in whose power it was to judge: which way of proceeding, *Athanasius* affirmes to be according to Scripture, the Law of God. And because those that condemned *Macarius*, did not Athan. Apo. 1.

thus proceed, he condemnes their Sentence as malicious and unjust.

Of old, no Sentence passed against any man, but upon the Testimony of other witnesses besides the Accusers: after Complaint exhibited, the first thing they applyed themselves to, was to consider the person and qualitie of the *Accuser*, *Concil. prim Constant. Can.* 6 Then they heard the *Witnesses*, who were two at least, *Can. Apost. Can.* 75. And these *witnesses* must be such, as might not be imagined to be *partiall*, nor to beare enmity nor malice against the party accused. *Ambros. Epist.* 64. so *Gratian*, *Caus.* 3. *qua.* 5. *cap. Quod suspecti.*

Apud Zonaram.

Of old, None might be *party*, *witnesse*, and *Judge*, which *Gratian* proves at large, *Caus.* 4. *qu* 4. *cap. Nullus unquam praesumat accusator simul esse, & Iudex & testis.*

We grant indeed the *Canon Law* permits in some cases Tryall without *witnesses*: *Si crimen ita publicum est, ut meritò debeat appellari notorium*; If the crime be so publique, that it may deservedly be called *Notorious*. Which Law further determines what is notorious, saying, *Offensam illam nos intelligimus manifestam, quae vel per confessionem vel probationem legitimè nota fuerit, aut evidentiâ Rei, quae nulla possit tergiversatione celari*; We count that offence manifest, which either by confession, or by lawfull proofe comes to be knowne, or by evidence of fact, so as it can be hid by no tergiversations.

Greg. Decret. lib. 3. *Tit.* 2. *cap.* 8 *qui vos.*

Decret. Greg. lib. 5. *Tit.* 4. *cap.* 24.

So that all was done in former times with mature *deliberation*, upon *examination* and *evidence* produced, and proved by such *witnesses*, as against whom the *defendant* could lay in no just *exception*. And not as now an *accusation* whispered against a man, *he knowes not by whom*, to which he must take his *Oath* to answer, before *he knowes what his accusation is*. Which Oath, if he takes, *without further witnesse*, he is censured upon the *witnesse of his owne Oath*. If he takes it not, he is sent presently *to prison*, there to lie without *Bayle* or *Mainprize*, till the insupportable miseries of his long durance, compel him to take an *Oath* against *Nature*, *Scripture*, *Conscience*, and the *just Defence of his owne innocencie*.

That

That our Bishops therefore and former Bishops are *Two*, in the point of executing their Judicatory power, we need spend no more time to prove. But come to the third thing, in which the difference betweene ours and former Bishops is to be evidenced.

Sect. XII.

AND that is State Imployment, or attendance upon Civill and Secular affaires, &c. which both Christ and Saint *Paul* prohibits, which prohibition reacheth every Bishop (to speake in *Chrysostomes* words) as well as *Timothy*, to whom it is directed; *Nullus ergo Episcopatu praditus hæc audire detrectet, sed agere ea omnia detrectet*; Let no man that is a Bishop, refuse to heare what the Apostle saith, but to doe what the Apostle forbids. *Chrysost. Hom. 40. in 2. in Ti.*

We deny not but that Bishops were in the Primitive times often incumbred with secular businesse; but these were put upon them, sometimes by Emperours, who sought the ruine of the Church, as *Iulian*, of whom *Niceph. lib.* 10. *cap.* 13. doth report, that in *Clerum coaptatos Senatorum munere & ministerio pervertè fungi jussit* Sometimes the gracious disposition of Princes towards Christian Religion, made them thus to honour Bishops, thinking thereby to advance Religion; as *Constantine* the Great enacted, that such as were to be tryed before Civill Magistrates, might have leave to appeale *ad Iudicium Episcoporum, atque eorum sententiam ratam esse tanquam ab ipso Imperatore prolatam*: And this the Historian reckoneth as one argument of his reverend respect to Religion. Sometimes the excellency of their singular parts cast Civill dignities upon them. *Tiberius* granted a Questors *dignitie unto a Bishop for his eloquence*. *Chrysostome* for his notable stoutnesse and freedome of speech, was sent as the fittest man to *Gainas*, with the Emperours command. Sometimes the people observing the Bishops to be much honoured by the Emperour, would sollicite them to present their grievances to the Emperour. And sometimes the

Recording this among those things that hee did *Dolo malo ducere.* κακοτεχνίας. *Sozom.* 1. 9.

Niceph. 18. 5.

the aſpiring humour of the Biſhops raiſed them to ſuch places, as appeares by *Cyrill*, who was the firſt Biſhop in *Alexandria*, who had civill dignities conferred upon him, as *Socrates* relates it, from whom Civill authority did deſcend upon ſucceeding Biſhops. ἐξ ἐκείνου συνέπεσε τοῖς Ἀλεξανδρείας ἐπισκόποις τῆς ἐκκλησιαστικῆς τάξεως ὑπερβαίνειν τὰ πρέποντα τοῖς τῶν ἀρχῶν : of whom *Nicephorus* therefore recorded, *Epiſcopatum majoricum faſtu, prophanorum Magiſtratuum more, quam prædeceſſores ejus Epiſcopi, ingreſſus eſt, unde adeo initium ſumptum eſt in Eccleſia Alexandrina ut Epiſcopi etiam profana negotia curarent*; He entred upon his Epiſcopacie with more pomp then his predeceſſors, with a pomp conformable to the Heathen Magiſtrates.

Socra. 7. 7.

Lib. 14. *c.* 14.

Both theſe *Hiſtorians* relate the ſad conſequence that followed upon this, that *Oreſtes* the *Roman Governour* ſeeing his power much weakned by the Biſhops interpoſing in ſecular affaires, hated the *Biſhop*; and this (as the Hiſtorian calls it) his *uſurped power*.

Soc. Li. 7. *c.* 19.

Nicepho. L. 14. *cap.* 14.

This preſident of the Alexandrian Biſhop, the Biſhop of Rome did ſoone follow; *Et Romanus Epiſcopatus non aliter quam Alexandrinus, quaſi EXTRA SACERDOTII FINES egreſſus ad ſecularem principatum erat jam delapſus*; The Biſhop of Rome as well as the Biſhop of Alexandria breaking the limits of the Prieſtly function, did degenerate into a ſecular Principalitie: which purchaſed no leſſe envie to him then that to the other.

And though theſe two Biſhops went at firſt abreaſt in this point, yet in a ſhort time the *Roman* had outſtripped the *Alexandrian* in that power, till the Church degenerating more and more, that *Roman Prieſt* advanced his power not onely above all the *Biſhops*, but all the *Monarchs in the Chriſtian Orbe*.

Yet notwithſtanding, he that ſhall look into the Ancients, ſhall finde; 1 firſt, that the beſt of them held, that they were not to be moleſted with the handling of worldly affaires, *Cyprian Epiſt. 66.* 1. *Singuli divino Sacerdotio honorati non niſi altari & ſacrificiis deſervire & precibus atq;*

1

oratio-

orationibus vacare debent, Molestiis secularibus non sunt obligandi, qui divinis rebus & spiritualibus occupantur.

Secondly, that they complained of them as of heavy burthens, *Aug.* calles it *Angaria*, yea *Austin* himselfe in his 81. Epistle Complaines, that worldly businesse hindered his praying, and so pressed him, that *vix respirare potuit*: and *Gregory* the great, *non sine dolore in secularibus versabatur, præfat. in Dial.* *Possidon. in vita August.*

Thirdly, *Cyprian* construed it as one great cause of persecutions raised against the Church, *de lapsis, Sect.* 4.

Fourthly, it was much cryed downe as unlawfull by the holy Fathers, many Canons forbidding it, and that under paine of being removed from their places. *Can. Apost. Can.* 6. *Can.* 81. hee that did presume to administer Ρωμαϊκὴν ἀρχὴν καὶ ἱερατικὴν διοίκησιν, ia *Roman* command or Administration of Military affaires or civill place (as *Zonaras* there) he should be deposed, *Can. Apo. Can.* 83. hiring of ground, medling with worldly affaires is to be laid asid by them: Otherwise they are threatned to be liable to Ecclesiasticall censures, *Conc. Cal. Cano.* 3. *Conc. Carth. Can.* 16.

We will ad this for a conclusion in this point, it is observed by *Athanasius*, *Sulpitius*, *Severus*, and other Ecclesiasticall Historians, that the *Arians* were very expedite in worldly affaires, which experience they gained by their constant following and attendance upon the Emperours Court; and what troubles they occasioned to the Church thereby, is notoriously knowne to any that have seene the Histories of their times. And in this our Bishops have approved themselves more like to the *Arian* Bishops *then the purer Bishops of purer times*: but how ever cleare it is, that *our Bishops and the Bishops of former times are Two: Two in election to their office; Two in the discharge of their office; Two in their Ordination, Jurisdiction, processes, Censures, Administrations*, and the difference *betweene our Bishops and those of former times, is greater then between the great Bishop of Rome and them.*

SECT. XIII.

BUt it seemes our Remonstrant soared above those times even as high as the Apostles dayes, for so hee saith, *If our Bishops challenge any other spirituall power, then was by Apostolike Authority delegated to, and required of Timothy and Titus*, and the *Angels* of the seven *Asian Churches*, let them be *DISCLAIMED* as *USURPERS*. And the truth is, so they deserve to be, if they do but challenge the *same power* that the Apostle did delegate to *Timothy* and *Titus*; for *Timothy* and *Titus* were Evangelists, and so moved in a *Sphere* above Bishops or Presbyters. For *Timothy*, it is cleare from the letter of the Text, 2 *Tim.* 4.5. ἔργον ποίησον εὐαγγελιστοῦ: *Doe the worke of an Evangelist*: if *Timothy* had beene but a *Presbyter* or *Bishop*, *Paul* had here put him upon imployment, *Vltra Sphæram Activitatis*.

And to any man, that will but understand and consider what the Office of an [a] *Evangelist was*, and wherein it differed from the Office of a *Presbyter* or *Bishop*, it will bee manifest that *Timothy* and *Titus* were *Evangelists*, and no *Bishops*: for the title of *Evangelist* is taken but two wayes; either for such as *wrote the Gospell*, and so wee doe not affirme *Timothy* and *Titus* to bee Evangelists: or else for such as *taught the Gospell*; and those were of two sorts, either such as had *ordinary places and ordinary gifts*, or such whose *places and gifts* were *extraordinary*; and such *Evangelists* were *Timothy* and *Titus*, and not *Bishops*, as will appeare if wee consider, what was the *Difference* betweene the *Evangelists* and *Bishops*. *Bishops* or *Presbyters* were tyed to the particular care and tuition of that flock over which God had made them *Overseers*, *Acts* 20.28. But *Evangelists* were not *tyed* to reside in *one particular place*, but did attend upon the *Apostles* by whose appoyntment they were sent *from place to place*, as the *necessity* of the *Churches* did require. As appeares first in *Timothy*, whom S. *Paul besought to abide at Ephesus*. 1 *Tim.* 1.3 which had been a needlesse importunity, if *Timothy* had had the *Episcopall* (that is the *Pastorall*) charge of *Ephe-*

[a] Let the Reader please to consult *Euseb. Hist. lib.* 3. *cap.* 33 according to some, after others *cap.* 37. and view the description, he there makes of an Evangelist, and then judge of what wee speake.

Ephesus committed to him by the Apostles, for then hee might have laid as *dreadfull a Charge* upon him to abide at *Ephesus*, as he doth to Preach the Gospell. But so far was *Paul* from setling *Timothy in Cathedrâ* in *Ephesus*, that he rather continually sends him up and downe upon all Church services, for we finde *Acts.* 17. 14. That when *Paul* fled from the tumults of *Berea* to *Athens*, he left *Silas* and *Timothy* behinde him, who afterwards comming to *Paul* to *Athens*, *Paul* sends *Timothy* from *Athens* to *Thessalonica*, to confirme the *Thessalonians* in the faith, as appeares 1 *Thes.* 3. 1. 2. from whence returning to *Paul* to *Athens* againe, the Apostle *Paul* before hee left *Athens* and went to *Corinth*, sent him & *Silas* into *Macedonia*, who returned to him againe to *Corinth*, *Act.* 18.5. afterwards they travelled *to Ephesus*, from whence we read *Paul* sent *Timothy* and *Erastus* into *Macedonia*, *Act.* 19 22. whither *Paul* went after them, & from whence they & divers other *Brethren journied into Asia*, *Acts* 20.4. All which Brethren *Paul* calles, as it is probable, Ἀπόστολοι ἐκκλησιῶν, the messengers of the Churches, 2 *Cor.* 8. 23. And being thus accompanied with *Timothy*, and the rest of the *Brethren* he comes to *Miletum*, and calls the *Elders* of the Church of *Ephesus* thither to him, of which Church had *Timothy* beene *Bishop*, the Apostle in stead of giving the *Elders a charge to feede the flock of Christ*, would have given that charge to *Timothy*, and not to them.

Anno. *Aera Christi recepta*, 47.

Anno 48.

Anno 51.

Anno. 53.

Anno 53.

And secondly, *the Apostle* would not so have forgotten himselfe, as to call the *Elders* Ἐπισκόπους, before their Bishops face.

Thirdly, It is to be conceived, the Apostles would have given them some *directions*, how to carry themselves towards their Bishop, but not a word of this, though *Timothy* were then *in Pauls* presence, and in the presence of the *Elders*. The cleare evidence of which text *demonstrates*, that *Paul* did not leave *Timothy* at this *time* as *Bishop* of *Ephesus*. But it is rather *evident* that hee tooke him along with him in his journey to *Hierusalem*, and so to *Rome*; for wee finde that those *Epistles Paul* wrote while

hee was *a prisoner*, beare either in their *inscription* or some other passage of them, the name of *Timothy*, as *Pauls companion*, *viz.* The Epistle to the *Philippians*, *Colossians*, *Hebrenes*, *Philemon*, which Epistles he wrote in bonds as the contexture, which those two learned professors, the one at *Heydelberge*, the other at *Saulmur*, make of Saint *Pauls* Epistles, doth declare.

Paraus.
Capellus.

So that it appeares that *Timothy* was no *Bishop*, but a *Minister*, an *Evangelist*, a fellow *labourer* of the Apostles, 1 *Thess.* 3. 1. an *Apostle*, a *Messenger* of the *Church*, 2 *Cor.* 8. 23. *Minister of God*, 1 *Thess.* 3. 2. these *titles* the Holy Ghost gives him, but never the title of a *Bishop*.

Heb. 13. 23. Wee finde not only that *Timothy* was with *Paul* at *Rome*, but a Prisoner with him there.

The like we find in Scripture concerning *Titus*, whom *Paul* as it is conceived by *learned men*, did first assume into the fellowship of his Labours in the place of *Iohn*, and made him his companion in his journey through [a] *Antioch* to *Hierusalem*, [b] so we find *Gal.* 2. 1, from thence returning to *Antioch* againe; from thence hee passed through *Syria* and *Cilicia*, confirming the *Churches*, & from *Cilicia*, he passed to *Creet*, where having Preached the Gospell, and planted Churches, he left *Titus* [c] there *for a while, to set in order things that remaine.*

[a] *Anno* 43.
[b] *Anno.* 45.
[c] *Anno* 46.

Yet it was *but for a while* he left him there, for in his Epistle which he wrote to him not many yeares after, hee injoynes him to come to him to *Nicopolis* [d] where he did intend to winter, but changing that purpose sends for him to *Ephesus*, where it seemes his Hyemall station was, and from thence sends him before him to *Corinth*, to enquire the state of the *Corinthians* [e]. His returne from thence *Paul* expects at *Troas* [f], and because comming thither he found not his *expectation* there, he was so grieved in his spirit, 2 *Cor.* 2. 12. that hee passed presently from thence into *Macedonia*, where *Titus* met him; and in the midst of his afflictions joyed his spirits with the glad tydings of the powerfull and gracious effects, his first Epistle had among the *Corinthians*, 2 *Cor.* 7, 5, 6, 7. *Paul* having there collected the Liberalities of the Saints, sends *Titus* againe

[d] *Anno* 51.
[e] *Anno* 51.
[f] *Anno* 52.

againe to the [g] *Corinthians*, to prepare them for the same service of Miniſtring to the neceſſities of the Saints, 2 *Cor.* 8.6. And makes him with ſome others the Conveyers of that ſecond Epiſtle to the *Corinthians*. [g] *Anno* 53.

All theſe journeyes to and fro did *Titus* make at the deſignement of the *Apoſtle*, even after hee was left in *Creet*. Nor doe we finde, that after his firſt removall from *Creet*, [h] he did ever returne thither. Wee reade indeed, 2 *Tim.* 4. 10. hee was with *Paul* at *Rome*; and from thence returned not to *Creet*, but into *Dalmatia*. All which doth more then probably ſhew, it never was the *Intendment* of the *Apoſtle* to fix *Titus* in *Creet as a Biſhop*, but onely to leave him there for a *ſeaſon* for the good of *that Church*, and to call him from thence, and ſend him abroad to other Churches for their good, as their neceſſities might require. Now who that will acknowledge a *Diſtinction* betweene the *Offices of Biſhops and Evangeliſts*, and knowes wherein that *Diſtinction lyes*, will not upon theſe premiſſes conclude that, *Timothy and Titus were Evangeliſts and NOT Biſhops*. [h] *Anno* 64.

I but ſome of the *Fathers* have called *Timothy and Titus Biſhops*. We grant it true; and it is as true, that *ſome of the Fathers* have called them *Archbiſhops*, and *Patriarks*; yet it doth not follow, they were ſo. Wee adde, ſecondly, that when the Fathers did call them ſo, it was not in a *proper* but in an *improper* ſenſe; which we expreſſe in the words of our *Learned Orthodox Raynolds*;

You may learne by the Fathers themſelves, ſaith hee, that when they tearmed any Apoſtle a Biſhop of this or that City (as namely Saint *Peter* of *Antioch* or *Rome*) they meant it in a generall ſort and ſignification, becauſe they did attend that Church for a time, and ſupply that roome in preaching the *Goſpell*, which *Biſhops* did after; but as the name of *Biſhop* is commonly taken for the *Overſeer* of a particular *Church*, and *Paſtor* of a ſeverall flocke; ſo *Peter* was not Biſhop of any one place; therefore not of *Rome*. And this is true by *Analogy* of all extra- *Raynolds contra Hart.* 64.6.

ordinary Biſhops, and the ſame may be ſaid of *Timothy* and *Titus*, that he ſaith of *Peter*.

But were it true that *Timothy* and *Titus* were Biſhops; will this remonſtrant undertake, that all his party ſhall ſtand to his Conditions? *If our Biſhops challenge any other power then was by Apoſtolique Authority delegated to, and required of Timothy and Titus, and the Angells of the ſeaven*
Pag. 23. *Aſian Churches, let them be diſclaimed as uſurpers.* Will our *Biſhops* indeed ſtand to this? then *actum eſt*. Did ever *Apoſtolique authority* delegate power to *Timothy* or *Titus*, to ordaine alone? to governe alone? and doe not our Biſhops challenge that power? Did ever *Apoſtolique authority* delegate power to *Timothy* and *Titus*, to rebuke an *Elder*? no; *but to entreate him as a Father*: and doe not our *Biſhops* challenge to themſelves, and permit to their *Chancellours*, *Commiſſaries*, and *Officialls* power not only to *rebuke an Elder*, but to *rayle upon an Elder*? to reproach him with the moſt opprobrious tearmes of *foole*, *knave*, *jack-ſauce*, *&c.* which our paper bluſhes to preſent to your *Honours* view. Did ever *Apoſtolique authority* delegate to *Timothy* and *Titus* power to receave an accuſation againſt an *Elder*, but before two or three witneſſes? and doe not our *Biſhops* challenge power to proceed *Ex officio*, and make *Elders* their owne Accuſers? Did ever *Apoſtolique authority* delegate power to *Timothy* or *Titus*, to reject any after twice admonition, but an *Heretick*? and doe not our *Biſhops* challenge power to *reject* and *eject* the moſt *ſound* and *orthodox* of our *Miniſters*, for refuſing the uſe of a *Ceremony*; as if *Non-conformity* were *Hereſie*. So that either our *Biſhops muſt diſclaime this remonſtrance*, or elſe *themſelves* muſt be *diſclaimed as uſurpers*.

But if *Timothy* and *Titus* were no *Biſhops*, or had not this power, it may bee the *Angells* of the *ſeven Aſian Churches* had; and our *Remonſtrant* is ſo ſubtile as to twiſt theſe two together, that if one fayle, the other may hold.

To which we anſwer; firſt, that Angell in thoſe Epiſtles is put *Collectively*, not *Individually*; as appeares by the *Epiſtle* to *Thyatira*, *cap.* 2. *verſ.* 24. where wee reade

reade ὑμῖν δὲ λέγω καὶ τοῖς λοιποῖς, &c. But I ſay unto *you* (in the plurall number, not unto *thee* in the ſingular) *and unto the reſt in Thyatira*, &c. Here is a plaine diſtinction betweene the members of that Church. By *you*, is ſignified thoſe to whom hee ſpake under the name of the Angell. By *the reſt*, the reſidue of the people. The people governed, and the governours in the plurall number. What can be more evident to prove, that by *Angell* is meant not one ſingular perſon, but the whole company of Presbyters that were in *Thyatira*.

This alſo further appeares, becauſe it is uſuall with the holy Ghoſt, not only in other books of the Scripture, but alſo in this very booke of the *Revelation*, to expreſſe a company under one ſingular perſon. Thus the Civill ſtate of *Rome*, as oppoſite to Chriſt, is called, *A beaſt with ten hornes*: and the Eccleſiaſticall ſtate Antichriſtian is called *the whore of Babylon*, and, *the falſe Prophet*: and the devill and all his family is called *An old red Dragon*. Thus alſo the ſeven Angels that blew the ſeven trumpets, *Revel.* 8. 2. And the ſeven Angels that poured out the ſeven Vialls, are not literally to be taken, but Synecdochically, as all know. And why not then the ſeven Angels in thoſe Epiſtles? Maſter *Meede* in his Commentaries upon the *Revelation*, *pag.* 265, hath theſe words; *Denique (ut jam ſemel iterumq; monuimus) quoniam Deus adhibet angelos providentia ſuæ in rerũ humanarum motibus & converſionibus ciendis, gubernandiſque adminiſtros: idcirco, quæ multorum manibus peraguntur, Angelo tamen tanquam rei gerendæ* præſidi & Duci *pro communi loquendi modo tribuuntur.*

Adde, thirdly, that the very name *Angell* is ſufficient to prove, that it is not meant of one perſon alone, becauſe the word *Angell* doth not import any peculiar juriſdiction or preheminence, but is a common name to all Miniſters, and is ſo uſed in Scripture. For all Miniſters are Gods Meſſengers and Embaſſadours, ſent for the good of the Elect. And therefore the name being common to all Miniſters, why ſhould wee thinke that there ſhould bee

any

any thing ſpoken to one Miniſter, that doth not belong to all? The like argument wee draw from the word *Starres*, uſed *Revel.* 1. 20. *The ſeven Starres are the Angels of the ſeven Churches.* Now it is evident, that all faithfull Miniſters are called Starres in Scripture, whoſe duty is to ſhine as lights unto the Churches, in all purity of doctrine and holineſſe of converſation. And in this ſence, the word is uſed, when it is ſaid, that *the third part of the ſtarres were darkened*, Revel. 8. 12. and that the *Dragons taile drew the third part of the ſtarres of Heaven, & caſt them to the Earth*, Revel. 12. 4. Which is meant not onely of Biſhops, but of other Miniſters, unleſſe the Biſhops will appropriate all corruption and Apoſtacy unto themſelves.

Adde, fourthly, out of the Text it ſelfe, It is very obſervable, that our Saviour in opening the myſtery of the Viſion, *Revel.* 1. 20. ſaith; *The ſeven Candleſtickes which thou ſaweſt, are the ſeven Churches*, but hee doth not ſay, The ſeven ſtarres are the ſeven Angels of the ſame Churches, *But the Angels of the ſeven Churches*; wherein not without ſome myſtery the number of the Angels is omitted, leaſt we ſhould underſtand by Angell, one Miniſter alone, and not a company. And yet the ſeptenary number of Churches is twice ſet down.

Laſtly, though but one Angell bee mentioned in the forefront, yet it is evident, that the Epiſtles themſelves are dedicated to all the Angels and Miniſters in every Church, and to the Churches themſelves. And if to the whole Church, much more to the Presbyters of that Church. This is proved *Revel.* 1. 11. *What thou ſeeſt write in a Book, and ſend it to the ſeven Churches which are in Aſia.* And alſo by the Epiphonema of every Epiſtle; *He that hath an eare to heare, let him heare what the Spirit ſaith to the Churches.* Upon which words, *Ambroſius Ausbertus* in his ſecond booke upon the *Revelation*, ſaith thus; *Unâ eademque locutione & Angelos & Eccleſias unum eſſe deſignat. Nam cum in principio locutionũ quæ ad ſeptem fiunt Angelos dicat, & Angelo illius Eccleſiæ ſcribe; in fine tamen earundem*

non

non dicit, qui habet aurem audiat quod ſpiritus dicat Angelo, ſed quid Eccleſiæ dicat. By one and the ſame phraſe of ſpeech hee ſheweth, the Angels and the Churches to bee one and the ſame. For whereas in the beginning of his ſpeech, which he makes to the ſeven Churches, he ſaith; *And write to the Angell of the Churches*; yet in the cloſe of the ſame, he doth not ſay, Hee that hath an Eare, let him heare what the Spirit ſaith to the Angel, but *what he ſaith to the Church.* And this is further proved by the whole argument of thoſe Epiſtles, wherein the admonitions, threatnings, commendations, and reproofes, are directed to all the Miniſters of all the Churches. *Revel.* 2. 10. *The devill ſhall caſt ſome of you into priſon, &c.* Rev. 2. 16. *I will fight againſt them with the ſword of my mouth,* Rev. 2. 24. *I will put upon you no other burden, &c. I ſay unto you and the reſt of Thyatira, as many as have not this doctrine, and which have not known the depths of Satan, &c.* And when it is ſaid in the ſingular Number (as it is often) *I know thy works and thy labour, &c.* verſ. 2. & verſ. 4. *Repent and doe thy firſt works*; and verſe 13. *Thou haſt not denied my Faith, &c.* and *cap.* 3. 26. *Becauſe thou art neither hot nor cold, &c.* All theſe and the like places, are not to bee underſtood as meant of one individuall perſon, but of the whole company of Miniſters, and alſo of the whole Church, becauſe that the puniſhment threatned, is to the whole Church; *Revel.* 2. 5. *Repent and doe thy firſt works, or elſe I will come unto thee quickly, and remove thy Candleſtick out of his place,* Rev. 2. 16. *Repent, or elſe I will come unto thee quickly, and will fight againſt them with the ſword of my mouth*; Revel. 2. 24. *I will not put upon you any other burden.* Now wee have no warrant in the Word to thinke that Chriſt would remove his Goſpell from a Church for the ſinne of one Biſhop, when all the other Miniſters and the Churches themſelves are free from thoſe ſinnes. And if God ſhould take this courſe, in what wofull and miſerable condition ſhould the Church of *England* be, which groaneth under ſo many corrupt Prelates? By all this it appeares, that the word *angell*, is not to be taken, ἰδιωτικῶς, but συνηθικῶς,

not properly, but figuratively. And this is the judgement of Maſter *Perkins* upon the ſecond Chapter of the *Revelation*; and of Maſter *Brightman*; and of Doctor *Fulke*, who in anſwer to the Rhemiſts in *Apoc.* 1. 20. hath theſe words; S. *Iohn* by the angels of the Churches meaneth not all, that ſhould weare on their heads myters, and hold croſier ſtaves in their hands, like dead Idolls, but them that are the faithfull meſſengers of Gods Word, and utter and declare the ſame. Againe, they are called the angels of the Churches, becauſe they be Gods meſſengers.

Maſter *Fox* likewiſe in his Meditation upon the *Revelation* (*pag.* 7. 9. 17.) is of this opinion, and hath gathered to our hands the opinions of all Interpreters hee could meete, and ſaith that they all conſent in this, that under the perſon of an Angell, the Paſtors and Miniſters of the Churches were underſtood. Saint *Auſtin* in his 132. Epiſtle, ſaith thus; *Sic enim in Apocalypſi legitur Angelus, &c. Quod ſi de angelo ſuperiorũ cœlorum, & non de* Præpoſitis eccleſiarum *vellet intelligi, non conſequenter diceret*, habeo adverſum te, &c. And ſo in his ſecond Homily upon the *Revelation* (if that booke be his) *Quod autem dicit angelo Thyatiræ* habeo adverſum te pauca, *dicit* Præpoſitis Eccleſiarum, &c. This alſo *Gregory* the Great, *lib.* 34. *Moral. in Job cap.* 4. *Sæpè ſacram ſcripturam prædicatores Eccleſiæ, pro eo quod patris gloriam annunciant, angelorum nomine ſolere deſignare: & hinc eſſe, quod Iohannes in Apocalypſi* ſeptem Eccleſiis ſcribens, angelis Eccleſiarum loquitur, *id eſt*, Prædicatoribus populorum. Maſter *Fox* citeth *Primaſius, Haymo, Beda, Richard, Thomas*, and others, to whom we referre you.

If it be here demanded (as it is much by the Hierarchicall ſide) that if by angell bee meant the whole company of Presbyters, why Chriſt did not ſay, to the angels in the plurall number, but to the angell in the ſingular?

Wee anſwer, that though this queſtion may ſavour of a little too much curioſity, yet wee will make bold to ſubjoyn three conjecturall reaſons of this phraſe of ſpeech.

First,

First, It is so used in this place, because it is the common language of other Scriptures in types and visions to set down a certaine number for an uncertaine, and the singular number for the purall. Thus the Ramme, *Dan.* 8.3. is interpreted vers. 20. to be the Kings of Media and Persia. And the enemies of Gods Church are set out by foure hornes. And the deliverers by foure Carpenters, *Zach.* 1. 18. 20. And the wise and foolish Virgins are said to be five wise and five foolish. And many such like. And therefore as we answer the Papists, when they demand why Christ if he meant figuratively when he saith, *this is my body*, did not speake in plaine language, *this is the signe of my body?* We say, that this phrase of speech is proper to all Sacraments: So we also answer here, this phrase of speech, *Angell* for *Angels*, is common to all types and visions.

Secondly, angell is put, though more be meant, that so it may hold proportion with the Vision which *Iohn* saw, Chap. 1. 12. 20. *He saw seven golden Candlesticks, and seven Starres.* And therefore to hold proportion, the Epistles are directed to seven angels, and to seven Churches. And this is called a mystery, *Revel.* 1. 20, *The mystery of the seven Starres, &c.* Now a mystery is a secret, which comprehends more then is expressed; and therefore though but one angell be expressed, yet the mystery implyes all the angels of that Church.

Thirdly, to signifie their unity in the Ministeriall function, and joynt commission to attend upon the feeding and governing of one Church, with one common care, as it were with one hand and heart. And this is more fitly declared by the name of one angell, then of many. Wee often finde the name of (one) Prophet or Priest to be put for the generall body of the Ministery, or whole multitude of Prophets or Priests, in the Church of *Israel* or *Judah*, when the Spirit of God intendeth to reprove, threaten, or admonish them. Thus it is *Iere.* 6. 13, 18. 18. *Isa.* 3. 2. *Hos.* 9. 8. *Ezek.* 7. 26. *Hos.* 4. 6. *Mal.* 2. 7. Neither should it seeme strange, that a multitude or

company of Miniſters ſhould bee underſtood under the name of one angell, ſeeing a multitude of Heavenly angels (implyed in one ſervice for the good of Gods Saints) is ſometimes in the Scripture ſhut up under one angell in the ſingular number, as may be gathered from *Gen.* 24.7. 2 *Kings* 19.35. *Pſal.* 34.7. compared with *Pſalme* 91. 11. *Gen.* 32. 1.2. *Kings* 6.16,17. And alſo a multitude of devils or evill angels, joyntly labouring in any one worke, is ſet forth under the name of one evill or uncleane ſpirit, 1 *Kings* 22.21,22. *Mark.* 1.23,24. *Marke* 5.2. 9. *Luke* 4. 33,34. *Luk.* 8.27.30. 1 *Pet.* 5.8. *Heb.* 2.14. *Epheſ.* 6.11.12.

But now let us ſuppoſe (which yet notwithſtanding we will not grant) that the word *Angell* is taken individually for one particular perſon, as Doctor *Reynolds* ſeemes to interpret it, together with Maſter *Beza*, yet nevertheleſſe, there will nothing follow out of this acception, that will any wayes make for the upholding of a Dioceſan Biſhop, with ſole power of Ordination and Juriſdiction, as a diſtinct ſuperior to Presbyters. And this appeares.

Firſt, becauſe it never was yet proved nor ever will (as we conceive) that theſe angels were Dioceſan Biſhops, conſidering that Pariſhes were not divided into Dioceſſes in S. *Johns* dayes. And the ſeven ſtarres are ſaid to bee fixed in their ſeven Candleſtickes or Churches, not one ſtarre over divers Candleſtickes. Neither can thoſe Churches be thought to be Dioceſan, when not only *Tindall* and the old tranſlation, calls them ſeven Congregations, but we reade alſo *Acts* 20. that at *Epheſus* which was one of thoſe Candleſticks, there was but one flock.

And ſecondly, we further finde that in *Epheſus* one of thoſe ſeven Churches, there were many Presbyters, which are all called Biſhops, *Acts* 20. 28. and we finde no colour of any ſuperintendency or ſuperiority of one Biſhop over another. To them in generall the Church is committed to be fed by them without any reſpect had to *Timothy*, who ſtood at his elbow and had beene with him in Macedonia, and was now waiting upon him to *Ieruſalem*.

lem. This is also confirmed by *Epiphanius*, who writing of the Heresies of the *Meletians*, saith, that in ancient times this was peculiar to *Alexandria*, that it had but one bishop, whereas other Cities had two. And hee being bishop of Cypres, might well be acquainted with the condition of the Churches of *Asia*, which were so nigh unto him.

Thirdly, there is nothing said in the seven Epistles that implyeth any superiority or majority of rule or power that these angels had over the other angels that were joyned with them in their Churches. It is written indeed, in commendation of the angell of the Church of *Ephesus, that he could not beare them that were evill, and that he had tryed them which say they were Apostles and are not, & had found them lyars.* And it is spoken in dispraise of the angell of *Pergamus, that he suffred them which held the doctrine of Balaam, &c.* But these things are common duties, requirable at the hands of all Ministers, who have the Charge of Soules.

But suppose that there were some superiority and preheminency insinuated by this individuall angell, yet who knoweth not that there are divers kinds of superiority; to wit, of Order, of dignity, of gifts and parts, or in degree of Ministery, or in charge of power and jurisdiction. And how will it be proved that this angell if he had a superiority, had any more then a superiority of order, or of gifts and parts? Where is it said, that this angell was a superior degree or order of Ministery above Presbyters? In which Epistle it is said that this angell had sole power of Ordination and Jurisdiction? and therefore as our learned Protestants prove against the Papists, that when Christ directed his speech to *Peter* in particular and said, *I will give unto thee the keyes of the kingdom of Heaven, &c.* That this particularization of *Peter* did not import any singular preheminence or majority of power to *Peter* more then to the other apostles. But that though the promise was made to *Peter*, yet it was made to him in the name of all the rest, and given to all as well as one. And

that therefore it was ſpoken to one perſon, and not to all, that ſo Chriſt might foreſignifie the unity of his Church, as [a] *Cyprian*, *Auſtin*, *Hierome*, *Optatus*, and others ſay. So when Chriſt directs an Epiſtle to one angell, it doth not imply a ſuperior power over his fellow angels, but at moſt onely a preſidency for order ſake. And that which is written to him, is written to the reſt as well as to him. And therefore written to one, not to exclude the reſt, but to denote the unity that ought to bee betweene the Miniſters of the ſame Church in their common care and diligence to their flocke. And this is all that Doctor *Reynolds* ſaith, as you may reade in his conference with *Hart*, *cap. 4. diviſ. 3. ad finem.* For it is evident that Doctor *Reynolds* was an utter enemy to the *Jus Divinum* of the Epiſcopall preheminency over Presbyters by his Letter to Sir *Francis Krolls*. And learned Maſter *Beza* alſo ſaith ſomething to the ſame purpoſe in his annotations upon *Revel.* 2. 1. *Angelo. i.* ὁρᾶτε *quem nimirum oportuit imprimis de his rebus admoneri, ac per eum cæteros collegas, totamq; adeo Eccleſiam. Sed hinc ſtatui Epiſcopalis ille gradus poſtea humanitus in Eccleſiam Dei invectus certe nec poteſt nec debet, imo ne perpetuum quidem iſtud πρεσβυτερίου munus eſſe neceſſario oportuiſſe, ſicut exorta inde Tyrannis oligarchica (cujus apex eſt Antichriſtiana beſtia) certiſſima cum totius non Eccleſiæ modo, ſed etiam orbis pernicie, nunc tandem declarat.*

[a] *Hoc erant utique & cæteri Apoſtoli quod fuerat Petrus, pari conſortio præditi & honoris & poteſtatis, ſed exordium ab unitate proficiſcitur, ut Eccleſia una monſtretur.*

If therefore our *Remonſtrant* can produce no better evidence for his Hierarchy then *Timothy* and *Titus*, and the *Angels of the Aſian Churches*, Let not this *Remonſtrant* and his party, cry out of wrong, *if this claimed Hierarchy be for ever hooted out of the Church*, ſeeing it is his owne Option. And yet we cannot cõceale one refuge more out of Scripture, to which the Hierarchy betake themſelves for ſhelter. And that is the two Poſtſcripts in the end of *Pauls* ſecond Epiſtle to *Timothy*, and of that to *Titus*; where in the one, *Timothy* is ſaid to be the firſt biſhop of *Epheſus*, and in the other, *Titus* is ſaid to be the firſt Biſhop of the Church of the *Cretians*: to both which places wee anſwer,

That

That these two Postscripts (and so all the rest) are no part of Canonicall Scripture. And therefore our former and ancienter English translations, though they have these Postscripts, yet they are put in a small character different from that of the text, that all men might take notice they were no parts of the text. Although our Episcopall men of late in newer impressions have inlarged their Phylacteries, in putting those Postscripts in the same full character with that of the text, that the simple might beleeve they are Canonicall Scripture. The Papists themselves (*Baronius*, *Serrarius*, and the Rhemists) confesse that there is much falsity in them. The first Epistle to *Timothy*, is thus subscribed: *the first to Timothy was written from Laodicea, which is the chiefest City of Phrygia Pacatiana.* Here we demand, whether *Paul* when he writ the first Epistle to *Timothy*, was assured he should live to write a second, which was written long after? And if not; How comes it to be subscribed, *the first to Timothy*, which hath relation to a second? Besides, the Epistle is said to be writ from *Laodicea*, whereas *Beza* in his Annotations proves apparently, that it was written from *Macedonia*; to which opinion *Baronius* and *Serrarius* subscribe. It is added, *Which is the chiefest City of Phrygia Pacatiana.* But this Epithete is no where read in the Writers of those ages, saith *Beza*, *Sed apud recentiores illos, qui Romani imperii jam inclinantis provincias descripserunt.* So that by this place it is evident, that the subscription was added a long while after the writing of the Epistles by some men, for the most part *vel indoctis*, saith *Beza*, *vel certe non satis attentis*, Either by a learned, or negligent man.

The second Epistle is thus subscribed; *the second Epistle unto Timothy ordained the first Bishop of the Church of the Ephesians, was written from Rome, when Paul was brought before Nero the second time.* Now these words *Ordained the first Bishop*, is wanting, saith *Beza*, *in quibusdam vetustis codicibus, in veteri vulgatâ editione, & apud Syrum interpretem.* If Saint *Paul* had written this Postscript, he would

would not have said, *to Timothy the first Bishop, &c.* whereas it was not yet certaine whether ever there should be a second. Neither would it bee said when *Paul was brought, &c.* But when I was the second time brought before *Nero*. The Syriack Interpreter reads it, *Here ends the second epistle to Timothy written from Rome.*

The Epistle to *Titus* is thus subscribed: *Written to Titus, ordained first Bishop of the Church of the Cretians, from Nicopolis of Macedonia.* Here it is said that this Epistle was written from *Nicopolis*, whereas it is cleare that *Paul* was not at *Nicopolis* when he wrote it. *Tit.* 3. 12. *Be diligent to come to me to Nicopolis, for I have determined there to winter.* He doth not say, *Here to winter*, but *there*; Where note, for the present hee was not there. And besides, it is said, that *Titus was ordained the first Bishop, &c.* And who was the second? or was there ever a second? And also *He is said to be Bishop*, not onely of a Dioceſſe, *but of all Creet.* Was there ever such a second Bishop? Adde, lastly, that it is said, *Bishop of the Church of the Cretians*; Whereas it would bee said of the *Churches of the Cretians.* For the Christian Churches of any Nation are called *Churches* by *Luke* and *Paul*, not *Church.* Therefore *Codex Claremontanus* subscribes; *Here ends the Epistle to Titus*, and no more. So the Syriack; *Finitur Epistola ad Titum quæ scripta fuit è Nicopoli.* The old Vulgar Edition hath nothing of the Episcopacy of *Titus.* By all this it appeares, that if the Bishops had no more authority to urge us to subscribe to their Ceremonies, then they have authority for their Episcopall dignity by these Subscriptions, there would be no more Subscription to Ceremonies in the Churches of England.

But some will say, that there is one objection out of Scripture yet unanswered, and that is from the inequality that was betweene the twelve Apostles, and the seventy Disciples.

To which we answer;

First, that it cannot bee proved that the twelve Apostles had any superiority over the seventy, either of Ordination,

dination, or Jurisdiction. Or that there was any subordination of the seventy unto the twelve. But suppose it were, yet we answer.

Secondly, that a superiority and inferiority betweene Officers of different kindes, will not prove that there should be a superiority and inferiority betweene Officers of the same kinde. No man will deny but that in Christs time, there were Apostles, Evangelists, Prophets, Pastors, and teachers, and that the apostles were superior to Evangelists and Pastors. But it cannot bee proved, that one apostle had any superiority over another apostle, or one Evangelist over another. And why then should one Presbyter be over another? Hence it followeth, that though we should grant a superiority betweene the twelve and the seventy, yet this will not prove the question in hand. Because the question is concerning Officers of the same kinde, and the instance is of Officers of different kinds, amongst whom no man will deny but there may be a superiority and inferiority, as there is amongst us between Presbyters and Deacons.

And now let your *Honours* judge (considering the premisses) how farre this Episcopall government is from any *Divine right*, or *Apostolicall institution*. And how true that speech of *Hierome* is, that a bishop as it is a superior Order to a Presbyter, is *an Humane presumption*, not a divine Ordinance.

But though Scripture failes them, yet the indulgence and Munificence of *Religious Princes* may support them, and to this the *Remonstrant* makes his next recourse, yet so as he acknowledgeth here, *Ingagements to Princes onely for their accessory dignities, titles, and Maintenance; not at all for their stations and functions*, (wherein yet the author plainely acknowledgeth a difference betweene our *Bishops* and the *Bishops of old* by such accessions.)

For our parts, we are so farre from envying the *gracious Munificence of pious Princes, in collating honourable maintenance upon the Ministers of Christ*, that we beleeve,

 that

that *even by Gods owne Ordinance*, *double Honour* is due unto them.

And that by how much the *Miniſtery of the Goſpell* is more *honourable* then that of *the Law*; by ſo much the more ought all that embrace the *Goſpell*, to bee carefull to provide, that the *Miniſters of the Goſpell* might not onely live, but maintaine Hoſpitalitie, according to the Rule of the *Goſpell*. And that *worthy Gentleman* ſpake as an Oracle, that ſaid; *That ſcandalous Maintenance is a great cauſe of a ſcandalous Miniſtery.*

Yet wee are not ignorant, that when the Miniſtery came to have *Agros, domos, locationes, vehicula, equos, latifundia*, as *Chryſoſt. Hom. 86. in Matth.* That then *Religio peperit divitias, & filia devoravit Matrem*, religion brought forth riches, and the Daughter devoured the Mother; and then there was a voyce of Angels heard from Heaven; *Hodie venenum in Eccleſiam Chriſti cecidit*, this Day is poyſon ſhed into the Church of Chriſt.

And then it was that *Ierome* complained, *Chriſti Eccleſia poſtquam ad Chriſtianos principes venit, potentiâ quidem & divitiis major, ſed virtutibus minor facta eſt.* Then alſo was that Conjunction found true; That when they *had woodden Chalices*, they had *golden Prieſts*; but when their *Chalices were golden*, *their Prieſts were wooden.*

And though we doe not thinke, there is any ſuch *incompoſſibility*, but that *large Revenues may be happily managed with an humble ſociablenſſe*, yet it is very rare to finde. Hiſtory tells us, that the ſuperfluous revenues of the *Biſhops* not onely made them neglect their *Miniſtery*, but further uſhered in their ſtately and pompous attendance; which did ſo elevate their Spirits, that they inſulted over their brethren, both *Clergy* and *People*, and gave occaſion to others to hate and abhorre the Chriſtian Faith. Which *Euſebius* ſets forth fully in the pride of *Paulus Samoſatenus*, who notwithſtanding the meanneſſe and obſcurity

ſcurity of his birth, afterwards grew to that *height of Inſolency and pride* in all his carriage; eſpecially in that numerous traine that attended him in the ſtreetes, and in his ſtately throne raiſed after the manner of Kings and Princes, that *Fides noſtra invidiæ, & odio, propter faſtum & ſuperbiam cordis illius, facta fuerit obnoxia*; the Chriſtian faith was expoſed to envy and hatred through his pride. *Euſeb. lib. 7. cap. 29.*

And as their ambition (fed with the largeneſſe of their revenewes) diſcovered it ſelfe in great attendance, ſtately dwellings, and all Lordly pompe, ſo *Hierom* complaines of their pride in their ſtately ſeates, *qui velut in aliqua ſublimi ſpecula conſtituti, vix dignantur videre mortales & alloqui conſervos ſuos*: who ſitting aloft as it were in a watch tower, will ſcarce deigne to looke upon poore mortalls, or ſpeake to their fellow ſervants.

Here we might bee large, in multiplying ſeverall teſtimonies againſt the pride of Eccleſiaſticall perſons, that the largeneſſe of their revenues rayſed them to: but we will conclude with that grave complaint of *Sulpitius Severus*.

Ille qui ante pedibus aut aſello ire conſueverat, ſpumante equo ſuperbus invehitur: parvâ prius ac vili cellula contentus habitare, erigit celſa Laquearia, conſtruit multa conclavia, ſculpit poſtes, pingit armaria, veſtem reſtuit greſſiorem, indumentum molle deſiderat, &c. Which becauſe the practiſe of our times hath already turned into Engliſh, wee ſpare the labour to tranſlate.

Onely ſuffer us (being now to give a *Vale* to our remonſtrants arguments) to recollect ſome few things.

Firſt, whereas this remonſtrant ſaith; *If we doe not ſhew out of the true & genuine writings of thoſe holy men, that lived in the Apoſtles dayes a cleare and received diſtinction of Biſhops, Presbyters, and Deacons, as three diſtinct ſubordinate callings, with an evident ſpecification of the duty belonging to each of them: Let this claimed Hierarchie be for ever rooted out of the Church:* We beſeech you let it be remembred how we have proved, out of the *genuine* and *undeniable writings of the Apoſtles themſelves*: that theſe *Pag. 24.*

are not three distinct callings : Bishops are Presbyters, *being with them all one, Name and Office*, and that the distinction of Bishops and Presbyters was not of *Divine* Institution, but Humane : and that these Bishops, in their first Institution did not differ so much from Presbyters, as our present Bishops differ from them.

*Pag.*23. *Secondly*, Whereas this remonstant saith, *If our Bishops challenge any other power then was by Apostolike authority delegated to, and required of Timothy and Titus, and the Angells of the Asian Churches* : Let them bee disclaimed as usurpers. Wee desire it may be remembred, how wee have proved first; that *Timothy* and *Titus* and the Angels were no Diocesan bishops; and secondly, that our bishops challenge (if not in their Polemicks, yet in their Practicks) a power that *Timothy* and *Titus*, and those angels never did.

*Pag.*22. Thirdly, Whereas this remonstrant saith, *If there can be better evidence under Heaven for any matter of fact, let Episcopacy be for ever abandoned out of Gods Church* : We beseech you remember how weake we have discovered his Evidence to be; and then the *Inference* upon all these *we humbly* leave to your *Honours Wisedome and Iustice.*

SECT. XIIII.

HAving thus considered the validity of those arguments, whereby this remonstrant would suffult *Episcopacy*, we descend now to inquire, what satisfaction he gives to those objections, which himself e frames as the maine, if not the sole arguments, that Episcopacy is assaultable by, and they are two.

First, *that pleading the Divine right of Episcopacy, is to the prejudice of Soveraignty* : Secondly, *that it casts a dangerous imputation upon all those reformed Churches that want this Government.*

To the first, the *prejudice of Soveraignty*; he answers there is a compatib leesse in this case of *Gods Act*, and the

the Kings: it is God that makes the Bishop, the King that gives the Bishopricke.

But we have proved already, that God never made a Bishop, as he stands in his *Superioritie* over all other *Presbyters*, he never had Gods *Fiat*: and if they disclaime the influence of soveraignty unto their *creation* to a priority, and assert that the King doth not make them *Bishops*, they must have no being at all. Sure we are, the Lawes of the Land proclaime, that not onely *Bishopricks, but Bishops and all the Iurisdiction* they have is from the King: whereas the *Remonstrant* acknowledgeth no more, but the bare [a]place and exercise to be from *Regall donation*, which cannot bee affirmed without apparent prejudice of that Soveraigntie which the Lawes of the Land have invested our Princes with. 37. *Hen.* 8. *cap.* 17.

[a] The Remonstrant here acknowledges the same of the King, that *Frier Simon*, a *Florentine*, did of the Pope, who affirmed the degree of a Bishop was *de jure divino*, but every particular Bishop *de jure Pontificio*. *Hist. con. Trid.*

And for his unworthy comparison of *Kings* in order to *Bishops* and *Patrons* in order to their *Clerkes*, when he shall prove that the *patron* gives *ministeriall power* to his *Clerke*, as the *King* according to our Laws gives *Episcopall power* to the *Bishop*, it may be of some conducement to his cause, but till then, we leave the unfitnesse of this comparison, and the unthankfulnesse of those men to the indulgence of their Soveraigne, to their deserved recompence.

His learned answer to such men as borrowing Saint *Ieroms* phrase, speake Saint *Pauls truth*, is in summe this: *That he knowes not how to prescribe to mens thoughts, but for all his Rhetoricke, they will thinke what they list; but if they will grant him the question, they shall soone be at an end of the quarrell:* which one answer if *Satisfactory*, would silence all controversies to as good purpose as he did *Bellarmine*, who said, *Bellarmine* saith it is thus, and I say it is not, and where is *Bellarmine* now? Pag. 28, 29.

To the second objection, that *Episcopacie thus asserted casts an imputation upon all the reformed Churches, that want that Government*, hee saith; *that the objection is intended to raise envie against them*; who (if they may be beleeved) *love and honour those sister Churches, and blesse God for them.* Pag. 29.

But doe they not plucke all this envie upon themselves, who in their *Conferences, Writings, Pulpits, Universities, Disputes, High Commission, Declamations, have disclaimed them as no Churches, that have disclaimed the Prelats?* and have honoured the most *glorious Lights* of *those Reformed Churches, Calvin, Beza*, and others with no better titles than of *Rascalls, Blasphemers, &c.*

But the pith of his answer after a few good words is this: that no such consequent can be drawne from their opinion, for their *Ius divinum* pleads only for a *Justifiablenesse of this holy calling*: Not for an absolute necessity of it, *warranting it where it is, and requiring it where it may be had; but not fixing upon the Church that wants it, the defect of any thing of the Essence of a Church, but only of the glory and perfection of it*; neither is it their sin, but their misery.

And is it so, doth not this *Ius divinum* argue a *Necessitie*, but onely a *Justifiablenesse* of this calling; nor is the want of it a want of any thing of Essence, but onely of perfection? wee had thought, that page the twentieth, where this *Remonstrant* strives to fetch the *pedegree of Episcopacie* from no lesse than *Apostolicall*, and in that right *Divine institution* he had reckoned it among those things, which the Apostles ordained for the succeeding administration of the Church *in essentiall matters*: but here it seemes he is willing to retract what there fell from him: there it was to his advantage to say, this government was a thing essentiall to the Church, and here it is no lesse advantage to say, it is not essentiall.

But if it be not Essentiall, then what is the reason that when a *Priest* who hath received orders at *Rome* turnes to us, they urge not him to receive ordination among us againe: but when some of our brethren, who flying in Queene *Maries* dayes, had received *Imposition of hands* in the Reformed Churches beyond the Seas returned againe in the dayes of Queene *Elizabeth*, they were urged to receive Imposition of hands againe from our Bishops, and some did receive it. If those Churches that want Bishops want nothing essentiall to a Church; then what

Essentiall

Essentiall want was there in the ordination of those *Ministers* that received Imposition of hands in those Churches, that might deserve a *Re-ordination*, more than if they had first received their ordination at *Rome?*

And what is the reason that Bishop *Mountague* so confidently affirmes, that Ordination by Episcopall hands is so necessary, as that the Church is no true Church without it, and the Ministery no true Ministery, and ordinarily no salvation to be obtained without it? And if this *Remonstrant* should leave Bishop *Mountague* to answer for himselfe, yet notwithstanding he stands bound to give us satisfaction to these two questions, which arise from his owne Booke.

Originum Ecclesiasticarum Comi prioris pars posterior 463, 464

First, whether *that Office*, which by *divine right* hath the *sole power of Ordaining*, and *Ruling* all other *Officers* in the Church, (as he saith Episcopacy hath) belong not to the being, but onely to the glory and perfection of a Church. Secondly, there being (in this mans thoughts) the same *Ius divinum* for Bishops, that there is for *Pastors* and *Elders*, whether if those *Reformed Churches* wanted *Pastors* and *Elders* too, they should want nothing of the *Essence* of a Church, but of the *perfection and glory of it?*

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But this *Remonstrant* seemes to know so much of the minde of those Churches, that *if they might have their option, they would most gladly embrace Episcopall Government, as little differing from their owne Moderatorship, save onely in the perpetuitie of it, and the new Invention* (as hee odiously calls it) *of Lay Elders*. But no question those learned Worthies that were entrusted *by the Churches to compile their confessions, did comprise their Iudgements better* than the *Composer of this Remonstrance*. And to his presumption, wee oppose their Confession. Wee will begin with the French Church, who in their Confession speake thus.

Credimus veram Ecclesiam gubernari debere ea politia, quam Dominus noster Iesus

We beleeve that the true Church ought to be governed by that policie which Christ

Christus sancivit, ita videlicet, ut sint in ea Pastores, Presbyteri, sive Seniores, & Diaconi, ut doctrinæ puritas retineatur, &c. Ar. 29. *Credimus omnes Pastores ubicunq; collocati sunt, eâdem & æquali potestate inter se esse præditos sub uno illo capite summoque & solo universali Episcopo Iesu Christo.* Art. 30. *Gallica confessionis. Credimus veram hanc Ecclesiam debere regi, ac gubernari spirituali illâ politiâ quam nos Deus ipse in verbo suo edocuit; ita ut sint in ea Pastores ac ministri qui pure & concionentur, & Sacramenta administrent; sint quoq; Seniores, & Diaconi qui Ecclesia senatum constituant, ut his veluti mediis vera Religio conservari, Hominesq; vitiis dediti spiritualiter corripi & emendari possint. Tunc enim ritè & ordinatè omnia fiunt in Ecclesiâ, cum viri fideles, & pii ad ejus gubernationem deligũtur juxta Divi Pauli præscriptum,* 1 Tim. 3. *Confes. Belgic.* Art. 30. *Caterum ubicunq; locorum sunt verbi Dei Ministri eandem atq; æqualem* Omnes *habent tum* Potestatem *tum* AUTHORITATEM, *ut qui sunt æquè Omnes Christi unici illius universalis Episcopi & capitis Ecclesiæ Ministri.*

Christ Jesus our Lord established, *viz.* that there bee Pastors, Presbyters, or Elders and Deacons. And againe, Wee beleeve that all true Pastors where ever they be, are endued with equall and the same power, under one chiefe Head and Bishop Christ Jesus. Consonant to this the Dutch Churches. We beleeve (say they) the true Church ought to be ruled with that spirituall policie which God hath taught us in his Word, to wit, that there bee in it Pastours to preach the Word purely; Elders and Deacons to constitute the Ecclesiasticall Senate, that by these meanes Religion may be preserved, and manners corrected. And so again, We beleeve where ever the Ministers of God are placed, they *All* have the same *equall power* and *authoritie*, as being All equally the Ministers of Christ.

In which harmony of these Confessions, see how both Churches agree in these five points:

1. First, That there is in the Word of God, an exact forme of

of Governement ſet downe, *Deus in verbo ſuo edocuit.*

Secondly, That this forme of Governement Chriſt eſtabliſhed in his Church; *Ieſus Chriſtus in Eccleſiâ ſanciuit.*

Thirdly, That this forme of Government is by Paſtors, Elders, and Deacons. 3

Fourthly, That the true Church of Chriſt ought to be thus governed; *Veram Eccleſiam debere regi.* 4

Fifthly, That all true Miniſters of the Goſpell are of equall power and Authority. 5

For the reaſon he aſſignes, why thoſe Churches ſhould make this Option, wee cannot enough admire that ſuch a paſſage ſhould fall from his pen, as to ſay, there is *Little difference betweene their ἐπίσκοπος, and our Epiſcopacie, ſave onely in perpetuity and lay Elders*, for who knowes not that between theſe two, there is as vaſt a difference as between the *Duke of Venice* and an *abſolute Monarch*. For, 1. the Moderator in *Geneva* is not of a ſuperiour order to his Brethren; nor 2. hath an ordination differing from them; nor 3. aſſumes power of ſole Ordination or Juriſdiction; nor hath he 4. maintenance for that office above his Brethren; nor 5. a Negative voyce in what is agreed by the reſt; nor 6. any further power then any of his Brethren. So that the difference betweene our Biſhops and their Moderators is more then *Little:* But if it be ſo little as this *Remonſtrant* here pretends; then the *Alteration* and *Abrogation* of *Epiſcopacie* will be with the leſſe *difficultie*, and *occaſion the leſſe diſturbance.*

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BVt there is another thing, wherein our *Epiſcopacie differs* from the *Geneva Moderatorſhip*, beſides the perpetuity; and that is the *excluſion of the Lay Presbytery*, (which if we may beleeve this *Remonſtrant*) *never till this age had footing in the Chriſtian Church.*

In which aſſertion, this Remonſtrant concludes *ſo fully* with Biſhop *Halls Irrefragable Propoſitions*, and his other

other book of *Episcopacie by divine right*; as if he had conspired to sweare to what the Bishop had said.

Now, though we will not enter the Lists with a man of that *learning* and *fame* that Bishop *Hall* is, yet we dare tell this *Remonstrant*, that this his assertion hath no more truth in it, *then the rest that wee have alreadie noted.* Wee will (to avoyd prolixity) not urge those [a] three knowne Texts of Scripture, produced by some for the establishing of Governing Elders in the Church, *not yet vindicated by the adversaries.*

a 1 Tim. 5. 17. 1 Cor. 12. 28. Rom. 12. 8.

Nor will wee urge that famous Text of [b] *Ambrose* in 1 *Tim.* 5. But if there were no *Lay Elders* in the Church till this present age, wee would be glad to learne, who they were of whom *Origen* speakes, when he tels us, it was the Custome of Christian Teachers, first to examine such as desired to heare them, of whom there were *two orders*; the first were *Catechumeni*, or beginners; the other was of such as were more perfect: among whom εἰσὶ τίνι πεπαγμένοι πρὸς τὸ φιλοπευστεῖν τοὺς βίους καὶ τὰς ἀγωγὰς τῶν προσόντων, &c. *Nonnulli præpositi sunt qui in vitam & mores eorum qui admittuntur inquirant, ut qui turpia committant iis communi Cætu Interdicant, qui vero ab istis abhorrent, ex anima complexi, meliores quotidiè reddant:* There are some ordained to enquire into the life and manners of such as are admitted into the Church, that they may banish such from the publique Assembly, that perpetrate scandalous Acts; which place tells us plainely:

b *Vnde & Synagoga, & postea Ecclesia seniores habuit, quorum sine Consilio nihil agebatur in Ecclesiâ. Quod qua negligentiâ obsolverit nescio, nisi forte Doctorum desidiâ, aut magis superbiæ, dum soli volunt aliquid videri.* *Origen. Lib. 3. contra Celsum.*

First, that there were some in the higher forme of heares (not Teachers) who were *Censores morum* over the rest. Secondly, that they were designed or constituted to this work, πεπαγμένοι. Thirdly, that they had such Authority intrusted into their hands, as that they might interdict such as were scandalous from the publique Assemblies. We would gladly know, whether these were not, as it were, *Lay Elders.*

That there were such in the Church (distinguished from others that were called to teach) appeares. *Augustine* writing to his Charge directs his Epistle, *Dilectissimi,*

Ep. 137.

similis fratribus, clero, senioribus & universa Plebi Ecclesiæ Hipponensis: where first there is the generall compellation. *Fratribus*, Brethren, then there is a distribution of these Brethren into the *Clergie*, the *Elders*, and the *whole People*; so that there were in that Church Elders distinguished both from the Clergie, and the rest of the People.

So againe, *Contra Cresconium Grammaticum: Omnes vos Episcopi, Presbyteri, Diaconi, & Seniores scitis*; *All you* Bishops, Elders, Deacons, and Elders, doe know. What were those two sorts of Elders there mentioned in one *comma*, & *ibidem cap. 56. Peregrinus Presbyter & seniores Ecclesiæ Mustitanæ Regiones tale desiderium prosequuntur*; where againe we reade of *Elder and Elders*, *Presbyter*, and *Seniors* in one Church. *Lib. 3. cap.*

Both those passages are upon record in the publike acts, which are more fully set downe by *Baronius*, *an.* 303. *Num.* 15. 16, 17. As also by *Albaspineus*, in his Edition of *Optatus*: in which Acts the *Seniors* are often mentioned. In that famous relation of the purging of *Cecilianus* and *Felix*, there is a copie of a Letter; *Fratribus & filiis: Clero & Senioribus, Fortis in Domino æternam salutem*: Another Letter is mentioned a little before *Clericis & Senioribus Cirthensium in Domino æternum Salutem.* These Seniors were interessed in affaires concerning the Church as being the men, by whose advise they were managed.

The Letter of *Purpurius* to *Silvanus* saith, *adhibete conclericos, & seniores plebis, Ecclesiasticos Viros, & inquirant quæ sunt ista Dissensiones: ut ea quæ sunt secundum fidei Præcepta fiant*, Where wee see the joynt power of these Seniors, with the Clergie in ordering Ecclesiasticall affaires; that by their wisedome and care peace might be setled in the Church; for which cause, these *Seniors* are called *Ecclesiasticall men*; and yet they are distinguished from Clergie men.

They are mentioned againe afterwards by *Maximus*, saying; *Loquor Nomine SENIORUM Populi Christiani.* *Greg. Mag.* distinguisheth them also from the Clergie:

Tabellarium cum conſenſu SENIORUM *& Cleri memineris Ordinandum.*

Theſe Seniors had power to reprove offenders, otherwiſe why ſhould *Auguſtine* ſay, *Cum ob errorem aliquem à Senioribus arguuntur & imputatur alicui cur ebrius fuerit, cur res alienas pervaſerit, &c.* when they were by the Elders reproved for their *errors*, and drunkennes is laid to a mans charge &c. So that it was proper to the Seniors to have the cognizance of delinquents, and to reprove them.

Auguſt. Ser. 19. de Verb. Dom.

Auguſt. in Pſal. 38. Conc. 2.

The ſame *Auguſtine* in *Pſalme* 36. *Neceſſe nos fuerat Primiani cauſam, quem, &c. Seniorũ literis ejuſdem Eccleſiæ poſtulantibus audire.* Being requeſted by letters from the *Seniors* of that *Church*, it was needfull for me to heare the the cauſe of *Primian*, &c.

So againe, *Optatus*, who mentioning a perſecution that did for a while ſcatter the Church, ſaith, *Erant Eccleſiæ ex auro & argento quàm plurima Ornamenta, quæ nec defodere terra, nec ſecum portare poterat, quare fidelibus ſenioribus commendavit.* *Albaſpineus*, that learned Antiquarie, on that place acknowledges, that *Beſides the Clergie, there were certaine of the Elders of the people, men of approved life, that did tend the affaires of the Church, of whom this place is to be underſtood.*

By all theſe teſtimonies it is apparent; firſt, that in the ancient Church there were ſome called *Seniors*. Secondly, that theſe Seniors were not Clergie men. Thirdly, that they had a ſtroke in governing the Church, and managing the affaires thereof. Fourthly, that Seniors were diſtinguiſhed from the reſt of the people.

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Neither *wou'd we deſire to chuſe any other Judges in this whole controverſie*; then whom himſelfe conſtituted; Forraine Divines, taking the generall Suffrage and practiſe of the Churches, and not of particular men.

As for the learned *Spanhemius* whom hee produceth, though wee give him the deſerved honour of a worthy man: yet wee think it too much to ſpeake of him, as if the judgement of the *whole Church of Geneva* were incorporated

porated into him, as this Remonſtrant doth. And for *Spanhemius* himſelfe, we may truly ſay, in the place cited, he delivered *a complement*, rather then his *judgment*, which in *Dedicatorie Epiſtles* is not unuſuall. Wee know that reverend *Calvin* and learned *Beza* have ſaid as much upon occaſion in their Epiſtles, and yet the Chriſtian world knowes their Judgement was to the contrary.

Little reaſon therefore hath this Remonſtrant, to declaime againſt all ſuch as ſpeake againſt this Governement as unlawfull, with the *termes of Ignorant and ſpitefull Sectaries*, becauſe they call the Governement unlawfull: had they proceeded further to call it Antichriſtian, (which he charges upon them) they had ſaid no more, then what our eares have heard ſome of their *principall* Agents, their *Legati à Latere* ſpeake publikely in their *viſitations*: *That how ever the Church of England be as ſound, and Orthodox in her Doctrine as any Church in the world, yet in our Diſcipline and Governement, wee are the ſame with the Church of Rome*, which amounts to aſmuch as to ſay, the *Governement is Antichriſtian*, unleſſe they will ſay the Governement of *Rome* is not ſo, nor the Pope Antichriſt.

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D. Ducke.

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NOw our *Remonſtrant* begins to leave his diſpute for the *Office*, and flowes into the large praiſes of the *Perſons*, and what is wanting in his *Arguments* for the *Place*, thinks to make up in his *Encomiaſticks* of the *Perſons*, that have poſſeſt that *place* in the *Church of God*: and tels us, that *the Religious Biſhops of all times are and have been they, that have ſtrongly upheld the truth of God againſt Satan and his Antichriſt*. It is well he ſets this crown only upon the heads of *Religious Biſhops*, as knowing that there are and have been ſome *Irreligious ones*, that have *as ſtrongly upheld Satan and his Antichriſt againſt the truth of God*. But *the Religious Biſhops are they that have all times upheld the truth*. What? *they*, and *only they*! did never any uphold

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the truth, but a *Religious Bishop*? did never any Religious *Minister* or *Professor preach*, or *write*, or *die*, to uphold the truth, but a *Religious Bishop*? if so then there is some perswasive strength in that hee saith; and a credulous man might bee induced to thinke, *If Bishops goe downe, truth will goe downe too*: But if wee can produce for *one Bishop many others* that gave beene valiant for the truth, this Rhethoricall insinuation will contribute no great help to their establishment. Nor indeed any at all; unles he were able to make this good *of our times*, as well as of all others, which he assaies; for saith he, *even amongst our own how many of the reverend & learned Fathers of the Church now living, have spent their spirits, & worne out their lives in the powerfull opposition of that man of sinne*; how many? I sir; wee would faine know how many: that there are *some* that have stood up to beare witnesse against that *Man of sin*, we acknowledge with all due respect, to the Learning and worth of their Persons. But that their Episcopall dignity hath added either any *flame to their zeal, or any Nerves to their ability*: we cannot believe, nor can we thinke they would have done lesse in that cause, though they had beene no Bishops.

Pag. 35. a Wee may rather thinke that they would have done more. Remembring what *Martinus* was wont to say to his friend *Sulpitius*, *Nequaquam sibi in Episcopatu eam virtutum Gratiam suppetere, quam prius se habuisse memminisset.* *Sulpitius Severus Dial.* 2.

But what if this be true of some Bishops in the Kingdome, Is it true of all? are there not some that have spent their spirits in the *opposition of Christ*, as others have in the opposition of Antichrist? & are there none but *Zealous, Religious Prelates* in the Kingdom? *are there none upon whom the guilt of that may meritoriously bee charged, which others have convincingly and meritoriously opposed?* And are there not some Bishops in the Kingdome, that are so far from opposing the *Man of sin*, that even this *Remonstrant* is in danger of suffering under the name of *Puritan* for daring to call him by that name, we doubt not but this *Remonstrant* knowes there are.

Pag. 35.

Pag. 35. *But if he will against the light of his own Conscience bear up a known errour out of private repects, (wee will not say these papers) but his own conscience, shall owne day be an evidence against him before the dreadfull Tribunall of the Almighty.*

But

But there is yet a second thing that should endeare *Episcopacie, and that is the carefull, peaceable, painefull, conscionable mannaging of their Charges; to the great glory of God, and the comfort of his faithful people.* Which (in not seeming to urge) hee urgeth to the full and beyond. This care, conscience, paines of our Bishops, is exercised and evidenced, either in their Preaching or in their Ruling; for their preaching, it is true, some few there are that *Labour in the Word and Doctrine*; whose *persons* in that respect wee *honour*: but the most are so farre from Preaching, that they rather discountenance, discourage, oppose, blaspheme Preaching. *Pag. 36.*

It was a *Non-preaching Bishop*, that said of a *preaching Bishop, He was a preaching Coxcomb.* As for the discharge of their office of ruling, their entrusting their *Chancellors*, and other Officers, with their visitations, and Courts (as ordinarily they doe, whiles themselves attend the Court) doth abundantly witnesse their *care in it.* The many and loud cryes of the intolerable *oppressions* and *tyrannies* of their Court-proceedings witnesse *their peaceableness*, their unjust fees, exactions, commutations; witnesse *their conscionableness in mannaging their Charges, to the great glory of God, and the comfort of his faithfull people.*

And hence it is that so many at this day here ill; (how deservedly, saith this Remonstrant, God knows) and doe not your Honours know, and doth not this *Remonstrant* know? and doth not all the nation (that will know any thing) know how deservedly *Some*, nay, *Most*, nay, *All the Bishops of this nation* heare ill, were it but onely for the late Canons and Oath? *But why should the faults of some, diffuse the blame to all?* Why? by your owne argument, that would *extend the deserts of some*; to the *patronage of All*; and if it bee a *fault in the impetuous and undistinguishing Vulgar, so to involve all, as to make Innocency it selfe a sinne*; what is it in a Man *able to distinguish*, by the *same implication*, to shrowd *sinne* under *Innocencie*, the sinne of *many*, under the *Innocencie* of a *few*. *Pag. 36.* *Pag. 36.*

But

Pag. 37. But have our Biſhops *indeed* beene ſo *careſull, painfull, conſcionable*, in managing their Charges? how is it then that there are ſuch *manifold ſcandalls of the inferiour Clergy* preſented to your *Honours view*, which he cannot *mention without a bleeding heart*; and yet could finde in his *heart* (if he knew how) to excuſe them, and though hee confeſſe them to be the *ſhame and miſery of our Church*, yet is hee not aſhamed to plead their cauſe at your Honours BARRE, *Oxupherius*-like, that was the *Advocate of every bad cauſe*; and to excite you by *Conſtantines* exampl: (in a different Cauſe alleadged) if not to ſuffer thoſe Crimes, which himſelf calls hatefull, to paſſe unpuniſhed, yet not to bring them to that *open and publique puniſhment* they have deſerved.

But what, if pious *Conſtantine* (in his tender care to prevent the Diviſions that the emulation of the Biſhops of that age, enraged with a ſpirit of envie and faction, were kindling in the Church, leſt by that meanes the Chriſtian faith ſhould be derided among the Heathens) did ſuppreſſe their mutuall accuſations, many of which might be but upon ſurmiſes; and that not *in a Court of Juſtice*, but in an *Eccleſiaſticall Synode*; ſhall this bee urged before the higheſt *Court of Juſtice upon earth*, to the patronizing of *Notorious ſcandalls, and hatefull enormities*, that are already proved by evidence of cleare witneſſe.

Pag. 37. *But oh forbid it to tell it in Gath, &c.* What? the ſinne; alas, that is done already; Doe wee not know, the drunkenneſſe, profaneneſſe, ſuperſtition, Popiſhneſſe of the Engliſh Clergie rings at *Rome* already? yes undoubtedly; and there is no way to vindicate the Honour of our *Nation, Miniſtry, Parliaments, Soveraigne, Religion, God*; but by cauſing the puniſhment to ring as farre as the ſinne hath done; that our adverſaries that have triumphed in their ſinne, may be confounded at their puniſhments. Doe not your *Honours* know, that the plaiſtring or palliating of theſe rotten members, will be a greater diſhonour to the Nation and Church, then their cutting off; and that

that the perſonall acts of theſe *ſonnes of Beliall*, being connived at, become Nationall ſinnes?

But for this one fact of *Conſtantine*, wee humbly crave your *Honours* leave to preſent to your wiſedome three Texts of Scripture. *Ezek.* 44. 12, 13. *Becauſe they miniſtred unto them before their Idolls, and cauſed the houſe of Iſrael to fall into iniquity, therefore have I lift up my hand unto them, ſaith the Lord, and they ſhall beare their iniquity. And they ſhall not come neere unto mee, to doe the office of a Prieſt unto me, nor to come neere unto any of mine holy things in the moſt holy place, &c.*

The ſecond is *Jerem.* 48. 10. *Curſed be hee that doth the work of the Lord negligently*: and the third is, *Judges* 6. 31. *He that will plead for Baal, let him be put to death while it is yet morning.* We have no more to ſay in this; whether it be beſt to walk after the *Preſident of Man*, or the *Preſcript of God*, your *Honours* can eaſily judge.

SECT. XVII.

BVt *ſtay* ſaith this *Remonſtrant*; and indeed he might well have ſtayed and ſpared the labour of his enſuing diſcourſe, about the Church of *England*, the *Prelaticall* and the *Antiprelaticall* Church: but theſe Epiſcopall Men deale as the *Papiſts* that dazle the eyes, and aſtoniſh the ſenſes of poore people, with the glorious Name of the *Church*, the *Church*; *The holy Mother the Church*. This is the *Gorgons head*, as [a] Doctor *White* ſaith, that hath inchanted them, and held them in bondage to their Errors: All their ſpeech is of the *Church, the Church*; no mention of the *Scriptures, of God the Father*; but all of the *Mother the Church*. Much like as they write of certaine *Æthiopians*, that by reaſon they uſe no marriage, but promiſcuouſly company together, the children only follow the *Mother*; the *Father* and his name is in no requeſt, but the *Mother* hath all the reputation. So is it with the Author of this *Remonſtrance*, he ſtiles himſelfe, *a Dutifull ſonne of the Church*. And it hath beene a Cuſtome of late times,

Pag. 39.

[a] In his Preface to his Booke, called *The way to the True Church.* *Solinus.*

to cry up the holy *Mother the Church of England*, to call for absolute obedience to *holy Church*; full conformity to the orders of *holy Church*; Neglecting in the meane time, *God the Father, and the holy Scripture.*

Pag. 39. But if wee should now demand of them, what they meane by the *Church of England*, this *Author* seemes to be thunder-stricken at this Question; and cals the very *Question, a new Divinity*; where he deales like such as holding great revenues by unjust Titles, will not suffer their Titles to be called in Question.

For it is apparent, *Ac si solaribus radiis descriptum esset* (to use *Tertullians* phrase) that the word *Church* is an *Equivocall word*, and hath as many severall acceptions as letters; and that *Dolus latet in universalibus*. And that by the Church of *England*; first by some of these men is meant onely the *Bishops*; or rather the two *Archbishops*; or more properly the *Archbishop of Canterbury*: Just as the *Jesuited Papists* resolve the Church and all the glorious Titles of it into *the Pope*; so do these into the *Archbishop*, or at fullest, they understand it of *the Bishops and their party met in Convocation*; as the more ingenuous of the Papists, make the *Pope and his Cardinals* to be *their Church*; thus excluding all the *Christian people and Presbyters of the Kingdome*; as not worthy to be reckoned in the number of the *Church*.

And which is more strange, this Author in his *Simplicitie* (as he truly saith) *never heard, nor thought of any more Churches of England then one*; and what then shal become of his *Diocesan Churches*, and *Diocesan Bishops*? And what shall wee think of *England*, when it was an *Heptarchy*? had it not then seven Churches when seven Kings? Or if the *Bounds of a Kingdome* must constitute the *Limits and Bounds of a Church*, why are not *England, Scotland*, and *Ireland*, all *one Church*? when they are happily united under one *gracious Monarch*, into one Kingdome. Wee reade in Scripture, of the Churches of *Judea*, and the Churches of *Galatia*; and why not the Churches of *England*? not that we denie the *Consociation*, or *Combi-*

nation

nation of Churches into a Provinciall or Nationall Synod for the right ordering of them. But that there should be no *Church in England*, but a *Nationall Church*: this is that *which this Author* in his *simplicity* affirmes, of which the very rehearsall is a refutation.

Sect. XVIII.

THere are yet two things with which this *Remonstrance* shuts up it selfe, which must not be past without our Obeliskes.

First, he scoffes at the *Antiprelaticall Church*, and the *Antiprelaticall Divisions*; for our parts we acknowledge no *Antiprelaticall Church*. But there are a company of men in *the Kingdome, of no meane ranke or quality*, for *Piety, Nobility, Learning*, that stand up to beare witnesse against the *Hierarchie* (as it now stands:) their usurpations over Gods Church and Ministers, their cruell using of Gods people by their tyrannicall Governement: this we acknowledge; and if hee call these the *Antiprelaticall Church*, we doubt not but your Honours wil consider, that there are many Thousands in this Kingdome, and those pious and worthy persons, that thus doe, and upon most just cause.

It was a speech of *Erasmus*, of *Luther*, *Ut quisque vir est optimus, ita illius Scriptis minimè offendi*, The better any man was, the lesse offence he tooke at *Luthers* writings: but we may say the contrary of the Prelates, *Ut quisque vir est optimus, ita illorum factis magis offendi*. The better any man is, the more he is offended at their dealings. And all that can be objected against this party, will be like that in *Tertullian, Bonus vir Cajus Sejus, sed malus tantum quia Antiprelaticus.* *Tertull. adverb. Gent.*

But he upbraides us with *our Divisions and Subdivisions*, and so doe the Papists upbraid the Protestants with their *Lutheranisme, Calvinisme, and Zuinglianisme*. And this is that the Heathens objected to the Christians, their Fractures were so many, they knew not which Religion to

to chuſe if they ſhould turn Chriſtians: And can it be expected that the Church in any age ſhould be free frō diviſions, when the times of the Apoſtles were not free? and the Apoſtle tells us, it muſt needs be that there be diviſions: in *Greg. Naz.* dayes there were 600 Errours in the Church; doe theſe any wayes derogate from the truth and worth of Chriſtian Religion?

But as for the Diviſions of the Antiprelaticall party, ſo odiouſly exaggerated by this Remonſtrant: Let us aſſure your Honours, they have beene much fomented by the *Prelates*, whoſe practiſe hath beene according to that rule of *Machiavill: Divide & Impera*, and they have made theſe diviſions, and afterwards complained of that which their Tyranny and Policie hath made. It is no wonder conſidering the pathes our Prelates have trod, that there are Diviſions in the Nation. The wonder is our Diviſions are no more, no greater; and wee doubt not but if they were of that gracious ſpirit, and ſo intirely affected to the peace of the Church as *Greg. Naz.* was, they would ſay as he did in the tumults of the people, *Mitte nos in mare, & non erit tempeſtas*; rather then they would hinder that ſweet *Conſordance*, and conſpiration of minde unto a Govemement that ſhall be every way agreeable to the rule of Gods word, and profitable for the edification and flouriſhing of the Church.

Pag. 2. A ſecond thing, wee cannot but take notice of, is the pains this *Author* takes to advance his *Prelaticall Church*: and forgetting what he had ſaid in the beginning: *that their party was ſo numerous*, it could not be ſummed; tells us now, *theſe ſeverall thouſands are punctually calculated.* But we doubt not but your Honours will conſider that there may be *multi homines & pauci viri*. And that there are more againſt them then for them.

Pag. 41.

And whereas they pretend, that they differ from us onely in a Ceremony or an Organ pipe, (which however is no contemptible difference) yet it will appeare that our differences are in point of a ſuperiour Alloy. Though this Remonſtrant braves it in his multiplyed Quere's.

What

What are the bounds of this Church? what the distinction of the professours and Religion? what grounds of faith? what new Creed doe they hold different from their Neighbours? what Scriptures? what Baptisme? what meanes of Salvation other then the rest? yet if hee pleased hee might have silenced his owne Queres: but if hee will needs put us to the answer, wee will resolve them one by one. Pag. 11.

First, if he ask what are the bounds of this Church, we answer him out of the sixt of their late founded Canons: where we find the limits of this Prelaticall Church extend as farre as from the high and lofty Promontory of Archbishops, to the *Terra incognita* of an, &c.

If what *Distinction of professors and Religion*; we answer their worshipping towards the East, and bowing towards the Altar, prostrating themselves in their approaches into Churches, placing all Religion in outward formalities, are visible differences of these professours and their Religion.

If what new Creed they have, or what grounds of Faith differing from their Neighbours, we answer; Episcopacy by divine right is the first Article of their Creed. Absolute and blinde obedience to all the commandements of the Church (that is the Bishop and his Emissaries) election upon faith foreseene, the influence of works into *Justification*, falling from grace, &c.

If what Scripture, we answer; the Apocrypha and unwritten Traditions.

If what Baptisme? a Baptisme of absolute Necessity unto salvation; and yet insufficient unto salvation: as not sealing grace to the taking away of sinne after Baptisme.

If what Eucharist? an Eucharist that must be administred upon an Altar or a Table set Altar-wise, rayled in an Eucharist in which there is such a presence of Christ, (though *Modum nesciunt*) as makes the place of its Administration the *throne of God*, the place of the *Residence of the Almighty*; and impresseth such a holinesse upon it as

makes it not onely capable, but worthy of Adoration.

If what Christ? a Christ who hath given the same power of absolution to a Priest that himselfe hath.

If what Heaven? a heaven that hath a broad way leading thither, and is receptive of Drunkards, Swearers, Adulterers, &c. such a heaven as we may say of it, as the the Indians said of the heaven of the Spaniards: Unto that heaven which *some of the Prelaticall Church* living and dying in their *scandalous* sinnes, and hatefull enormities goe to, let our soules never enter.

If what meanes of salvation? we answer, confession of sinnes to a Priest as the most absolute, undoubted, necessary, infallible meanes of Salvation.

Pag. 41. Farre be it from us to say with this *Remonstrant*, we do fully agree in all these and all other Doctrinall, and practicall points of Religion, and preach one and the same saving truths. Nay, we must rather say as that holy Martyr did, *We thank God we are* none of you.

Pag. 42. Nor doe we because of this dissension feare the censure of uncharitablenesse from any but uncharitable men. But it is no unusuall thing with the Prelats and their party, to charge such as protest against their corrupt opinions and wayes, with uncharitableneſſe and Schisme, as the Papists do the Protestants: and as the Protestants doe justly recriminate, and charge that Schisme upon the Papists, which they object to us; So may we upon the Prelats: And if *Austin* may be Judge, the Prelats are more Schismaticks then we. *Quicunque* (saith he) *invident bonis, ut quærant occasiones excludendi eos, aut degradandi, vel crimina sua sic defendere parati sunt (si objecta vel prodita fuerint) ut etiam conventiculorum congregationes vel Ecclesiæ perturbationes cogitent excitare, jam schismatici sunt.* Whosoever envie those that are good, and seeke occasions to exclude and degrade them, and are so ready to defend their faults, that rather then they will leave them, they will devise how to raise up troubles in the Church, and drive men into Conventicles and corners, they are the Schismaticks.

And

And that all the world may take notice what just cause wee have to complaine of Episcopacie, as it now stands, wee humbly crave leave to propound these *Queries.*

Queries about Episcopacie.

VVHether it be tolerable in a Christian Church, that Lord Bishops should be held to be *Iure Divino*; And yet the Lords day by the same men to be but *Iure Humano*, And that the same persons should cry up *Altars* in stead of *Communion Tables*, and *Priests* in stead of *Ministers*, and yet not *Iudaize*, when they will not suffer the Lords day to be called the Sabbath day, for feare of *Iudaizing*. Whereas the word *Sabbath* is a generall word, signifying a day of rest, which is common as well to the Christian Sabbath, as to the Jewish Sabbath, and was also used by the Ancients, *Ruffinus in Psal.* 47. *Origen Hom.* 23. *in Num. Gregory Nazian.* 1

Whether that assertion, No Bishop, No King, and no Ceremonie, no Bishop, be not very prejudiciall to Kingly Authoritie? For it seemes to imply, that the Civill power depends upon the Spirituall, and is supported by Ceremonies and Bishops. 2

Whether seeing it hath beene proved that Bishops (as they are now asserted) are a meere humane Ordinance, it may not by the same Authoritie be abrogated, by which it was first established; especially, considering the long experience of the hurt they have done to Church and State. 3

Whether the advancing of Episcopacie into *Ius Divinum*, doth not make it a thing simply unlawfull to submit to that Government? Because that many conscientious men that have hitherto conformed to Ceremonies and Episcopacie, have done it upon this ground, as supposing that Authoritie did not make them matters of worship, but of Order and Decencie, &c. And thus they satisfied their consciences in answering those Texts, *Colos.* 2. 20. 21, 4

21,22. *Math.*15.9. But now ſince Epiſcopacy comes to be challenged as a Divine Ordinance, how ſhall wee be reſponſable to thoſe Texts. And is it not, as it is now aſſerted, become an Idoll, and like the Brazen Serpent to be ground to powder?

5 Whether there be any difference in the point of Epiſcopacie between *Ius Divinum* and *Ius Apoſtolicum*. Becauſe we finde ſome claiming their ſtanding by *Ius Divinum*; others by *Ius Apoſtolicum*. But wee conceive that *Ius Apoſtolicum* properly taken, is all one with *Ius Divinum*. For *Ius Apoſtolicum* is ſuch a *Ius*, which is founded upon the Acts and Epiſtles of the Apoſtles, written by them ſo as to be a perpetuall Rule for the ſucceeding Adminiſtration of the Church, as this Author ſaith *pag.* 20. And this *Ius* is *Ius Divinum*, as well as *Apoſtolicum*. But if by *Ius Apoſtolicum*, they meane improperly (as ſome doe) ſuch things which are not recorded in the writings of the Apoſtles, but introduced, the Apoſtles being living, they cannot be rightly ſaid to be *jure Apoſtolico*, nor ſuch things which the Apoſtles did intend the Churches ſhould be bound unto. Neither is Epiſcopacie as it imports a ſuperioritie of power over a Presbyter, no not in this ſenſe *jure Apoſtolico*, as hath beene already proved, and might further be manifeſted by divers Teſtimonies, if need did require. We will only inſtance in *Caſſander*, a man famous for his immoderate moderation in controverted Points of Religion, who in his *Conſultat. Articul.* 14. hath this ſaying; *An Epiſcopatus inter ordines Eccleſiaſticos ponendus ſit, inter Theologos & Canoniſtas non convenit. Convenit autem inter omnes, in Apoſtolorum etate Presbyterum & Epiſcopum nullum diſcrimen fuiſſe, &c.*

6 Whether the diſtinction of *Beza*, betweene *Epiſcopus Divinus, Humanus*, & *Diabolicus*, be not worthy your Honours conſideration. By the Divine Biſhop, he meanes the Biſhop as he is taken in Scripture, which is one and the ſame with a Presbyter; By the humane Biſhop he meanes the Biſhop choſen by the Presbyters to be Preſident over them, and to rule with them by fixed Lawes

and

and Canons. By the Diabolicall Bishop he meanes a Bishop with sole power of Ordination and Jurisdiction, Lording it over Gods heritage, and governing by his owne will and authority. Which puts us in minde of the Painter that Limmed two pictures to the same proportion and figure; The one hee reserved in secret, the other he exposed to common view. And as the phansie of beholders led them to censure any line or proportion, as not done to the life, he mends it after direction. If any fault bee found with the eye, hand, foot, &c. he corrects it, till at last the addition of every mans fancie had defaced the first figure, and made that which was the Picture of a man, swell into a monster: Then bringing forth this and his other Picture which hee had reserved, he presented both to the people. and they abhorring the former, and applauding the latter, he cryed, *Hunc populus fecit*: This the deformed one the People made: This lovely one I made. As the Painter of his Painting, so (in *Bezaes* sence) it may be said of Bishops, God at first instituted Bishops such as are all one with presbyters; and such are amiable, honourable in all the Churches of God. But when men would bee adding to Gods institution, what power, preheminence, Jurisdiction; Lordlynes their phansie suggested unto them, this divine Bishop lost his Originali beauty, and became to be *Humanus*. And in conclusion (by these and other additions swelling into a Pope) *Diabolicus*. *Hunc populus fecit.*

7. Whether the Ancient Fathers, when they call *Peter Marke, Iames, Timothy*, and *Titus* Bishops, did not speak according to the Language of the times wherein they lived, rather then according to the true acception of the word Bishop; and whether it bee not true which is here said in this Booke, that they are called Bishops of *Alexandria, Ephesus, Hierusalem, &c.* in a very improper sense, because they abode at those places a longer time then at other places? For sure it is, if Christ made *Peter* and *Iames* Apostles (which are Bishops over the whole world) and the Apostles made *Marke, Timothy* and *Titus* Evangelists,

lists. &c. It seemes to us that it would have beene a great sinne in them to limit themselves to one particular Diocesse, and to leave that calling in which Christ had placed them.

8. Whether Presbyters in Scripture are called πρεσβύτεροι and ποιμένες, and that it is an office, required at their hands, to rule and to governe, as hath beene proved in this Booke; The Bishops can without sinne arrogate the exercise of this power to themselves alone; And why may they not with the same lawfulnesse, impropriate to themselves alone the Key of Doctrine (which yet notwithstanding all would condemne) as wel as the Key of Discipline, seeing that the whole power of the Keyes is given to Presbyters in Scripture as well as to Bishops; as appears, *Mat.* 16. 19. where the power of the Keyes is promised to *Peter*, in the name of the rest of the Apostles, and their successors; and given to all the Apostles, and their successors, *Mat.* 18. 19. *Iohn* 20. 23. And that Presbyters succeed the Apostles, appeares not onely *Mat.* 28. 20. but also *Acts* 20 28. where the Apostle ready to leave the Church of *Ephesus* commends the care of ruling and feeding it to the Elders of that Church. To this *Irenaus* witnesseth, *lib.* 4. *cap.* 43. 44. This Bishop *Iewell* against *Harding*, *Artic.* 4. *sect.* 5. 6. saith, that all Pastors have equall power of binding and loosing with *Peeter*.

9. Whether since that Bishops assume to themselves power temporall (to be Barons and to sit in Parliament, as Judges, and in Court of Star-Chamber, High Commission, and other Courts of Justice) and also power spirituall over Ministers and People to ordaine, silence, suspend. deprive, excommunicate, &c. their spirituall power be not as dangerous (though both bee dangerous) and as much to be opposed as their temporall? 1. Because the spirituall is over our consciences, the temporall, but over our purses, 2. Because the spirituall have more influence into Gods Ordinances to defile them, then the temporall. 3. Because spirituall Judgements and evills are greater

then

then other, 4. because the Pope was Anticristt, before he did assume any temporall power. 5. Because the Spirituall is more inward and lesse discerned: and therefore it concernes all those that have Spirituall eyes, and desire to worship God in spirit and truth to consider, and and endeavour to abrogate their Spirituall usurpations as well as their Temporall.

Whether *Aerius* bee justly branded by *Epiphanius* and *Austin* for a Hereticke (as some report) for affirming Bishops, and presbyters to be of an equall power? 10.

Wee say, as some report, for the truth is, he is charged with heresie meerely and onely because he was an *Arian*. As for his opinion of the parity of a presbyter with a Bishop; this indeede is called by *Austin*, *proprium dogma Aerii*, the proper opinion of *Aerius*. And by *Epiphanius* it is called *Dogma furiosum & stolidum*, a mad and fooliish opinion, but not an heresie neither by the one nor the other. But let us suppose (as is commonly thought) that he was accounted an Heretike for this opinion: yet notwithstanding, that this was but the private opinion of *Epiphanius*, and borrowed out of him by *Austin*, & an opinion not to be allowed appeares;

Epiphanius saith he did *Arrium ipsum dogmatum novitate superave.* *Austin* saith in *Arianorum haeresin lapsum.*

First, because the same Authors condemne *Aerius*, as much for reprehending and censuring the mentioning of the dead in the publique prayers, and the performing of good works for the benefit of the dead. And also for the reprehending *statu jejunia*, and the keeping of the week before Easter as a solemne Fast; which if worthy of condemnation, would bring in most of the reformed Churches into the censure of Heresie.

Epiph. accused him because he said that *superstatum preces* did not *opitulari eis qui ex hac vita discesserint.* And *Austin* accused *Aerius* because he said, *Non licet orare, vel offerre pro mortuis oblationem.*

Secondly, because not onely Saint *Hierome*, but *Austin* himselfe, *Sedulius*, *Primasius*, *Chrysostome*, *Theodoret*, *Oecumenius*, *Theophilact*, were of the same opinion with *Aërius* (as *Michael Medina*, observes in the Councell of *Trent*, and hath written, *Lib.* 1. *de sacr. hom. Origine*) and yet none of these deserving the name of Fools, much lesse to be branded for Hereticks.

Thirdly, because no Counsell did ever condemne this

for Hereſie; but on the contrary, *Concilium Aquiſgranenſ. ſub Ludovico Pio Imp. 1. anno 816.* hath approved it for true Divinitie out of the Scripture: That Biſhops & Presbyters are equall, bringing the ſame texts that *Aerius* doth, and which *Epiphanius* indeed undertakes to anſwer; but how ſlightly let any indifferent Reader judge.

Whitaker reſponſ. ad Campian rat. 10. hath theſe words: *Aerium Epiphanius & Auguſtinus in hæreticis numerant, & præter eos quis quis alius. Et ſi Presbyterum Epiſcopo æquare ſit hæreticum, nihil Catholicam eſſe poteſt. Cum Aerio Hieronymus de Presbyteris omnino ſenſit. Illos enim jure divino Epiſcopis æquales eſſe ſtatuit.*

11. Whether the great Apoſtacie of the Church of *Rome* hath not been, in ſwarving from the Diſcipline of Chriſt, as well as from the doctrine. For ſo it ſeems by that text. 2. *Theſſ.* 2. 4. And alſo *Revel.* 18. 7. and divers others. And if ſo, then it much concernes all thoſe that deſire the purity of the Church to conſider, how neere the diſcipline of the Church of England borders upon Antichriſt; leaſt, while they indeavour to keepe out Antichriſt from entring by the doore of doctrine, they ſhould ſuffer him ſecretly to creep in by the doore of diſcipline, eſpecially conſidering, what is heere ſaid in this Booke. That by their owne confeſſion, *the diſcipline of the Church of England is the ſame with the Church of Rome.*

12. Whether Epiſcopacy be not made a place of Dignity, rather then Duty, and deſired onely for the great revenues of the place: And whether, if the largeneſſe of their revenues were taken away, Biſhops would not decline the great burthen and charge of ſoules neceſſarily annexed to their places, as much as the ancient Biſhops did, who hid themſelves that they might not be made Biſhops and cut off their eares rather then they would bee made Biſhops: wheras now Biſhops cut off the eares of thoſe that ſpeak againſt their Biſhopricks.

Sozomen. hiſt. lib. 6. cap. 10.

13. How it comes to paſſe, that in England there is ſuch increaſe of Popery, ſuperſtition, Arminianiſme; and profaneneſſe more then in other reformed Churches; Doth not the root of theſe diſorders proceed from the Biſhops and their adherents, being forced to hold correſpondence with Rome, to uphold their greatneſſe, and their Courts and Canons, wherein they ſymbolize with Rome; And whether it bee not to be feared, that they will rather conſent

ſent to the bringing in of Popery, for the upholding of their dignities, then part with their dignities for the upholding of Religion.

Why ſhould England that is one of the chiefeſt Kingdomes in Europe, that ſeperates from Antichriſt, maintaine and defend a diſcipline different from all other reformed Churches, which ſtand in the like Separation? And whether the continuance in this diſcipline will not at laſt bring us to communion with Rome from which wee are ſeparated, and to ſeparation from the other reformed Churches, unto which wee are united. 14

Whether it bee fit that the name Biſhop, which in Scripture is common to the Presbyters with the Biſhops (and not onely in in Scripture, but alſo in Antiquitie for ſome hundreds of yeeres) ſhould ſtill bee appropriated to Biſhops, and ingroſſed by them, and not rather to bee made common to all Presbyters; and the rather becauſe: 15

Firſt we finde by wofull experience, that the great Equivocation that lyeth in the name Biſhop hath beene and is at this day a great prop & pillar to uphold Lordly Prelacy, for this is the great *Goliah*, the maſter-peece, and indeed the onely argument with which they thinke to ſilence all oppoſers. To wit, the antiquity of Epiſcopacie, that it hath continued in the Church of Chriſt for 1500 yeeres, &c, which argument is cited by this Remonſtrant *ad nauſeam uſque & uſque*. Now it is evident that this argument is a *Paralogiſme*, depending upon the Equivocation of the name Biſhop. For Biſhops in the Apoſtles time were the ſame with Presbyters in name and office and ſo for a good while after. And when afterwards they came to bee diſtinguiſhed. The Biſhops of the primitive times differed as much from ours now, as Rome ancient from Rome at this day, as hath beene ſufficiently declared in this Booke. And the beſt way to confute this argument is by bringing in a Community of the Name Biſhop to a Presbyter as well as to a Biſhop.

Secondly,

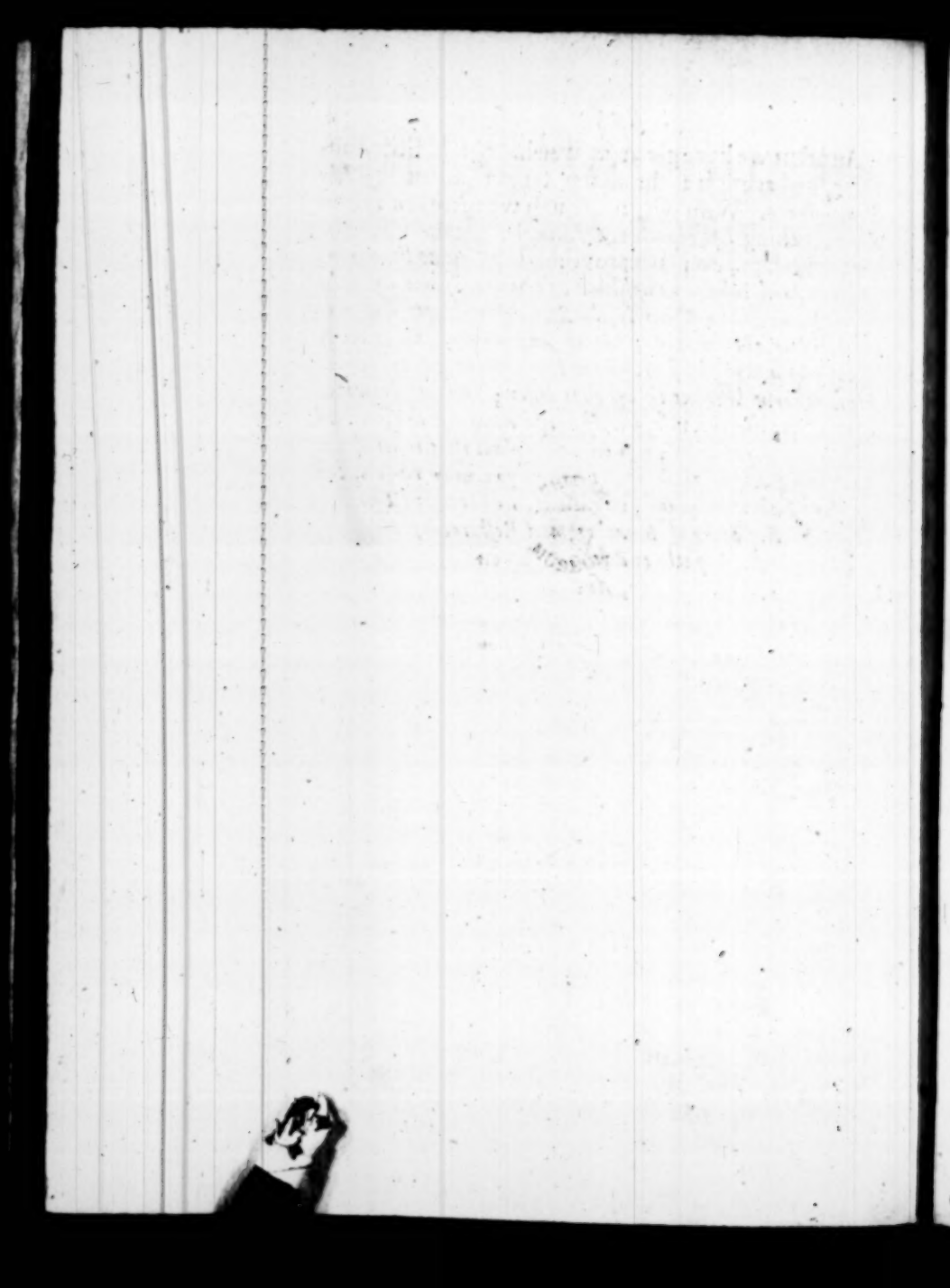
Secondly, becauſe wee finde that the late Innovators which have ſo much diſturbed the peace & purity of our Church, did firſt begin with the alteration of words; and by changing the word Table into the word Altar; and the word Miniſter, into the word Prieſt; and the word Sacrament into the word Sacrifice, have endevoured to bring in the Popiſh Maſſe. And the Apoſtle exhorts us, 2 *Tim.* 1.13. *To hold faſt the forme of ſound words:* and 1 *Tim* 6.20. *to avoid the prophane novelties of words.* Upon which text we will onely mention what the Rhemiſts have commented, which wee conceive to be worthy conſideration. (*Nam inſtruunt nos non ſolum docentes, ſed etiam errantes*) The Church of God hath alwayes been as diligent to reſiſt novelties, of words, as her adverſaries are buſie to invent them, for which cauſe ſhee will not have us communicate with them, nor follow their faſhions and phraſe newly invented, though in the nature of the words ſometimes there bee no harme. Let us keepe our forefathers words, and wee ſhall eaſily keepe our old and true faith, that wee had of the firſt Chriſtians; let them ſay Amendment, Abſtinence, the Lords Supper, the Communion Table, Elders, Miniſters, Superintendent, Congregation, ſo be it, praiſe yee the Lord, Morning Prayer, Evening Prayer and the reſt, as they will, Let us avoide thoſe novelties of words, according to the Apoſtles preſcript and keepe the ole termes, Penance, Faſt, Prieſts, Church, Biſhop, Maſſe, Mattin, Evenſong, the B. Sacrament, Altar, Oblation. Hoſt, Sacrifice, Halleluja, Amen; Lent, Palme-Sunday, Chriſtmaſſe, and the words will bring us to the faith of our firſt Apoſtles, and condemne theſe new Apoſtates, new faith and phraſe.

Queſt. 16. Whether having proved that God never ſet ſuch a government in his Church as our Epiſcopall Government is wee may lawfully any longer be ſubject unto it, bee preſent at their Courts, obey their injunctions and eſpecially bee inſtruments in publiſhing, and executing their Excommunications and Abſolutions.

And

And thus we have given (as wee hope) a ſufficient anſwer, and as briefe as the matter would permit, to *The Remonſtrant*. With whom, though we agree not in opinion touching *Epiſcopacie* and *Liturgie*; yet we fully conſent with him, to pray unto Almighty God, *Who is great in power, and infinite in wiſdome, to powre downe upon the whole Honourable Aſſembly, the Spirit of wiſdome and underſtanding, the ſpirit of Councell and might, the ſpirit of knowledge and of the feare of the Lord. That you may be able to diſcerne betwixt things that differ; ſeparate betweene the precious and the vile, purely purge away our droſſe, and take away all our ſinne; root out every plant that is not of our heavenly Fathers planting. That ſo you may raiſe up the foundations of many generations, and be called The Repairers of breaches, and Reſtorers of paths to dwell in.* Even ſo, *Amen.*

FINIS.



A POSTSCRIPT.

THough we might have added much light and beauty to our Diſcourſe, by inſerting variety of Hiſtories upon ſeverall occaſions given us in the *Remonſtrance*, the anſwer whereof wee have undertaken; eſpecially where it ſpeaks of the *bounty* and *gracious Munificence* of *Religious Princes* toward the *Biſhops*, yet unwilling to break the thread of our diſcourſe, and its connexion with the *Remonſtrance*, by ſo large a digreſſion, as the whole ſeries of Hiſtory producible to our purpoſe, would extend unto: Wee have choſen rather to ſubjoyne by way of *appendix*, an hiſtoricall Narration of thoſe bitter fruits, *Pride*, *Rebellion*, *Treaſon*, *Unthankefulnes*, &c. which have iſſued from *Epiſcopacy*, while it hath ſtood under the continued influences of Soveraigne goodneſſe. Which Narration would fill a volume, but we wil bound our ſelves unto the Stories of this Kingdome, and that revolution of time which hath paſſed over us ſince the erection of the *Sea* of *Canterbury*. And becauſe in moſt things the beginning is obſerved to be a preſage of that which followes, let their Founder *Auſtin* the *Monk* come firſt to be conſidered. Whom wee may juſtly account to have beene ſuch to the Engliſh, as the Arrian Biſhops were of old to the Goths, and the Jeſuits now among the Indians, who of Pagans have made but Arrians and Papiſts. His ignorance in the Goſpell which he preached is ſeene in his idle and Judaicall Conſultations with the Pope, about things cleane and uncleane; his proud demeanour toward the Britiſh Clergy, appeares in his coun-

Bed. *Holinſh.* *Speed.*

ſell called about no ſolid point of faith, but celebration of Eaſter, where having troubled & threatned the Churches of Wales, and afterwards of Scotland, about Romiſh Ceremonies, hee is ſaid in fine to have beene the ſtirrer up of *Ethelbert*, by meanes of the Northumbrian King, to the ſlaughter of twelve hundred of thoſe poore laborious Monks of Bangor. His Succeſſors buſied in nothing but urging and inſtituting Ceremonies, and maintaining precedency we paſſe over.

Holinſh. out of *Capgrave. Osborn, Higden.*

Till *Dunſtan*, the Sainted Prelate, who of a frantick Necromancer, and ſuſpected fornicatour, was ſhorne a Monk, and afterwards made a Biſhop. His worthy deeds are noted by *Speed* to have beene the cheating King *Edred* of the treaſure committed to his keeping; the prohibiting of marriage, to the encreaſing of all filthineſſe in the Clergie of thoſe times; as the long Oration of King *Edgar* in *Stow* well teſtifies.

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In *Edward* the Confeſſors dayes, *Robert* the Norman no ſooner Archbiſhop of Canterbury, but ſetting the King and Earle *Godwine* at variance for private revenge broached a civill warre, till the Archbiſhop was baniſht.

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Now *William* the Conquerour had ſet up *Lanfrank* Biſhop of Canterbury, who to requite him, ſpent his faithfull ſervice to the Pope *Gregorie*, in perſwading the King to ſubject himſelfe and his ſtate to the Papacy as himſelfe writes to the Pope, *Suaſi, ſed non perſuaſi.*

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The treaſon of *Anſelm* to *Rufus* was notorious, who not content to withſtand the King, obſtinately in money matters made ſuit to fetch his Pall or inveſtiture of Archiepiſcopacie from Rome, which the King denying as flat againſt his regall Soveraignty, he went without his leave, and for his Romiſh good ſervice received great honour from the Pope, by being ſeated at his right foot in a Synod, with theſe words, *Includamus hunc in orbe noſtro tanquam alterius orbis Papam.* Whence perhaps it is that the Sea of Canterbury hath affected a Patriarchy in our dayes. This *Anſelm* alſo condemned the married Clergie.

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Henry the first reigning, the same *Anselm* deprived *Henry* 1.
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returned, spends the rest of his dayes in a long conten-
tion and unchristian jangling with *York* about Primacie. *Holinsh.* 37.
Which ended not so, but grew as hot betweene *York* and
London, as Dean to Canterbury, striving for the upper seat
at dinner, till the King seeing their odious pride, put them
both out of dores.

To speak of *Ralf*, and *Thurstan*, the next Archbishops, *Holinsh.* 38.
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Kings sonne, because the Pope had so commanded, he flies
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Becketts pride and outragious treasons are too manifest; *Henry* 2.
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norie. Protects murthering Priests from the temporall *Speed* 467.
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Yet this mans life is lately printed in English as a thing to be imitated.

which, most of the Bishops conspire, till terror of the King made them shrink; but *Becket* obdures, denies that the King of Englands Courts have authority to judge him. And thus was this noble King disquieted by an insolent traytor, in habit of a Bishop, a great part of his Reigne; the land in uproar; many excommunicate, and accursed. France and England set to warre, and the King himselfe curbed, and controlled; and lastly, disciplin'd by the Bishops and Monks, first with a bare foot penance, that drew blood from his feet, and lastly, with fourescore lashes on his anointed body with rods.

Holinsh. 70.

Speed. 469.

In the same Kings time it was that the Archbishop of York, striving to sit above Canterbury, squatts him down on his lap, whence with many a cuffe hee was throwne downe.

Hol. pag. 98.

Richard 1. *Pag.* 129. 130. 132.

Next the pride of *W. Longchamp*, Bishop of Elie was notorious, who would ride with a thousand horse, and of a Governour in the Kings absence, became a Tyrant; for which flying in womans apparell he was taken.

To this succeeds contention betweene Canterbury and York, about carriage of their crosses, and Rome appeal'd to: the Bishop of Durham buyes an Earldome.

144.

K. John.

No sooner another King, but *Hubert* another Archbishop to vex him, and left that were not enough, made Chancellor of England. And besides him, *Geffry* of York, who refusing to pay a Subsidy within his Precincts, and therefore all his temporalities seaz'd; excommunicates the Sheriffe, beats the Kings Officers, and interdicts his whole Province. *Hubert* outbraves the King in Christmasse house-keeping: hinders King *John* by his Legantine power from recovering Normandy. After him *Stephen Langton*, set up by the Pope in spight of the King, who opposing such an affront, falls under an interdict, with his whole Land; and at the suit of his Archbishop to the Pope, is depos'd by Papall Sentence; his Kingdome given to *Philip* the French King, *Langtons* friend, and lastly resignes and enfeuds his Crowne to the Pope.

Speed. 503

Speed. 509

After

After this tragicall *Stephen*, the fray which *Boniface* the next Archbiſhop but one had with the Canons of Saint *Bartholmews* is as pleaſant; the tearing of Hoods and Cowles, the miring of Copes, the flying about of wax Candles, and Cenſors in the ſcuffle, cannot be imagined without mirth; as his oathes were lowd in this bickering, ſo his curſes were as vehement in the contention with the Biſhop of *Wincheſter* for a ſlight occaſion. But now the Biſhops had turned their conteſting into baſe and ſervile fatteries, to advance themſelves on the ruine of the Subjects. For *Peter de Rupibus* Biſhop of *Wincheſter* perſwading the King to diſplace Engliſh Officers and ſubſtitute Poictivines, and telling the Lords to their ces, that there were no Peeres in *England*, as in *France*, but that the King might do what he would, and by whom he would, became a firebrand to the civill warres that followed.

Hen. 3. *Stow* 188. *Hol.* 247. *Speed* 529. 530.

In this time *Peckam* Archbiſhop of *Can.* in a Synod was tempering with the Kings liberties, but being threatned deſiſted. But his ſucceſſor *Winchelſey* on occaſion of Subſidies demanded of the Clergie, made anſwer, That having two Lords, one Spirituall, the other Temporall, he ought rather to obey the Spirituall governour the Pope, but that he would ſend to the Pope, to know his pleaſure, and ſo perſiſted even to beggorie. The Biſhop of *Durham* alſo cited by the King flies to *Rome*.

Edward 1. *Hol.* 280. *Hol.* 301. *Hol.* 315.

In the depoſing of this King who more forward. then the Biſhop of *Hereford?* witneſſe his Sermon at *Oxford*, My head, my head aketh concluding that an aking, and ſick head of a King was to be taken off without further Phyſick.

Edward 2. *Speed* 574.

John the Archbiſhop of *Canterbury*, ſuſpected to hinder the Kings glorious victories in *Flanders*, and *France*, by ſtopping the conveyance of moneys committed to his charge, conſpiring therein with the Pope. But not long after was conſtituted that fatall *præmunire*, which was the firſt nipping of their courage, to ſeeke aide at *Rome*. And next to that, the wide wounds, that *Wickleffe* made in

Edward 3. *Speed* 586. *Hol.* 409.

their sides. From which time they have beene falling, and thenceforth all the smoke, that they could vomit, was turned against the rising light of pure doctrine.

Richard 2. Yet could not their pride misse occasion to set other mischief on foot. For the Citizens of *London* rising to apprehend a riotous servant of the Bishop of *Salisbury* then Lord Treasurer, who with his fellowes stood on his guard in the Bishops house, were by the Bishop, who maintained the riot of his servant, so complained of, that the King therewith seized on their liberties, and set a Governour over the Citie. And who knowes not, that *Thomas Arundell* Archbishop of *Canterbury* was a chiefe instrument, and agent in deposing King *Richard*, as his actions and Sermon well declares.

Hol. 478.

Pag. 506.

Henry 4. The like intended the Abbot of *Westminster* to *Henry* the fourth, who for no other reason, but becaus hee suspected, that the King did not favour the wealth of the Church, drew into a most horrible conspiracie the Earles of *Kent*, *Rutland*, and *Salisbury*, to kill the King in a turnament at *Oxford*, who yet notwithstanding was a man that professed to leave the Church in better state then hee found it. For all this, soone after is *Richard Scroop* Archbishop of *York* in the field against him, the chiefe attractor of the rebellious party.

Pag. 514.

Speed 631.

Hol. 529.

Henry 5. In these times *Thomas Arundell* a great persecutor of the Gospel preached by *Wiselefs* followers, dies a fearefull death, his tongue so swelling within his mouth, that hee must of necessity starve. His successor *Chickeley* nothing milder diverts the King, that was looking too neerely into the superfluous revenewes of the Church, to a bloody warre.

Speed 638.

Henry 6. All the famous conquests which *Henry* the fifth had made in *France*, were lost by a civill dissension in *England*, which sprung first from the haughty pride of *Beaufort* Bishop and Cardinall of *Winchester*, and the Archbishop of *York* against the Protector, *Speed* 674. In the civill warres the Archbishop sides with the Earle of *Warwick*, and *March* in *Kent*, *Speed* 682.

Hol. 596.

Pag. 620.

Edward

Edward the fourth, *Mountacute* Archbiſhop of *Yorke*, one of the chiefe conſpirators with *Warwicke* againſt *Edward* the fourth, and afterwards his Jaylor, being by *Warwickes* treaſon committed to this Biſhop. *Edward* 4. *Speed* 699.

In *Edward* the fifths time, the Archbiſhop of *York* was, though perhaps unwittingly (yet by a certaine fate of of Prelacie) the unhappy inſtrument of pulling the young Duke of *Yorke* out of Sanctuary, into his cruell Unckles hands. *Edward* 5.

Things being ſetled in ſuch a peace, as after the bloodie brawles was to the afflicted Realme howſoever acceptable, though not ſuch, as might bee wiſhed: *Morton* Biſhop of *Ely*, enticing the Duke of *Buckingham* to take the Crowne, which ruin'd him, opened the vaines of the poore ſubjects to bleede afreſh. *Richard* 3.

The intollerable pride, extortion, bribery, luxurie of *Wolſey* Archbiſhop of *Yorke* who can bee ignorant of? ſelling diſpenſations by his power Legantine for all offences, inſulting over the Dukes and Peeres, of whom ſome hee brought to deſtruction by bloodie policie, playing with State affaires according to his humour, or benefit: cauſing *Turnay* got with the blood of many a good Souldier, to be rendred at the French Kings ſecret requeſt to him, not without bribes; with whom one while ſiding, another while with the Emperour, hee ſold the honour and peace of *England* at what rates hee pleaſed; and other crimes to bee ſeene in the Articles againſt him, *Hol.* 912. and againſt all the Biſhops in generall. 911. which when the Parliament ſought to remedie, being moſt exceſſive extortion in the Eccleſiaſticall Courts, the Biſhops cry out; ſacriledge, the Church goes to ruine, as it did in *Boheme*, with the Schiſme of the *Huſſites*, *Ibid.* After this, though the Biſhops ceaſed to bee Papiſts; for they preached againſt the Popes Supremacie, *Henry* 8. *Hol.* 845. 462. *Speed* 784.

macie, to pleaſe the King, yet they ceaſed not to oppugne the Goſpel, cauſing *Tindals* tranſlation to be burnt, yet they agreed to the ſuppreſſing of Monaſteries, leaving their revenewes to the King, to make way for the ſix bloodie Articles, which proceedings with all crueltie of inquiſition are ſet downe *Holinſh. pag.* 946. till they were repealed the ſecond of *Edward* the ſixth, ſtopping in the meane while the cauſe of reformation well begunne by the Lord *Cromwell*. And this miſchiefe was wrought by *Steven Gardiner*, Biſhop of *Wincheſter*. The ſixe Articles are ſet downe in *Speed, pag.* 792.

Hol. 992.

Speed 792.

Speed. Statut. Hen. 8. *Anno.* 35. *cap* 5. *Edward* 6.

The Archbiſhop of Saint *Andrewes*, his hindring of *Englands* and *Scotlands* Union, for feare of reformation, *Speed* 794.

As for the dayes of King *Edward* the ſixth, we cannot but acknowledge to the glorie of the rich mercie of God, that there was a great reformation of Religion made even to admiration. And yet notwithſtanding we doe much diſlike the humour of thoſe, that crie up thoſe dayes as a compleat patterne of reformation, and that endeavour to reduce our Religion to the firſt times of King *Edward*, which wee conceive were comparatively very imperfect, there being foure impediments which did much hinder that bleſſed work.

1 The three rebellions. One in *Henry* the eighths time, by the Prieſts of *Lincolne* and *Yorkeſhire*, for that reformation which *Cromwell* had made. The other two in King *Edwards* dayes. One in *Cornewall*, the other in *Yorkeſhire*.

2 The ſtrife that aroſe ſuddenly amongſt the Peeres emulating one anothers honour. *Speed pag* 837.

3 The violent oppoſition of the Popiſh Biſhops, which made *Martin Bucer* write to King *Edward* in his booke *de Regno Chriſti. Lib.* 2. *cap.* 1. and ſay, your Majeſtie doth ſee, that this reſtoring againe the Kingdome of Chriſt,

Christ, which wee require, yea, which the salvation of us all requireth, may in no wise bee expected to come from the Bishops, seeing there be so few among them which doe understand the power and proper Offices of this Kingdome; and very many of them by all meanes (which possibly they can and dare) either oppose themselves against it, or deferre and hinder it.

The deficiencie of zeale and courage even in those Bishops who afterwards proved Martyrs, witnesse the sharp contention of *Ridley* against *Hooper*, for the ceremonies. And the importunate suit of *Cranmer* and *Ridley* for tolleration of the Masse for the Kings sister, which was rejected by the Kings, not only reasons, but teares; whereby the young King shewed more zeale then his best Bishops. 839. 4

The inhumane butcheries, blood-sheddings, and cruelties of *Gardiner*, *Bonner*, and the rest of the Bishops in Queene *Maries* dayes, are so fresh in every mans memory, as that we conceive it a thing altogether unnecessary to make mention of them. Onely wee feare least the guilt of the blood then shed, should yet remaine to be required at the hands of this Nation, because it hath not publikely endeavoured to appease the wrath of God by a generall and solemne humiliation for it.

What the practises of the Prelats have beene ever since, from the beginning of Queene *Elizabeth* to this present day, would fill a volume (like *Ezekiels* roule) with lamentation, mourning, and woe to record. For it hath beene their great designe to hinder all further reformation; to bring in doctrines of Popery, Arminianisme, and Libertinisme, to maintaine, propagate and much encrease the burden of humane ceremonies: to keepe out, and beate downe the Preaching of the Word, to silence the faithfull Preachers of it, to oppose and persecute the most zealous professours, and to turne

all Religion into a pompous out-ſide. And to tread downe the power of godlineſſe. Inſomuch as it is come to an ordinary Proverb, that when any thing is ſpoyled wee uſe to ſay, *The Biſhops foot hath beene in it.* And in all this (and much more which might be ſaid) fulfilling Biſhop *Bonners* Propheſie, who when hee ſaw that in King *Edwards* reformation, there was a reſervation of ceremonies and Hierarchy, is credibly reported to have uſed theſe words; *Since they have begun to taſt of our Breath, it will not be long ere they will eat of our Beefe.*

MVSEVM BRITANNICVM

FINIS.